

MAYOR
Barbara Jo Blain

MAYOR PRO TEM
Larry A. White



COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch IV
Julie Ann Hardwick
Beth Helms
Justin D. Jordan

**PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING AGENDA**

Thursday, July 11, 2024 | 5:30 p.m.

Planning & Building Dept. Conference Room – 196 Laurel Street

I. CALL TO ORDER – 5:30 p.m.

II. MINUTES

A. Approval of the June 6, 2024, Planning Commission Meeting Minutes

III. PUBLIC INPUT

IV. SUBDIVISIONS

A. *Previously Deferred*...Buchanan Lane – applicant(s) requesting approval of a design modification regarding roadway design standards (PIN 324-16-01-0005).

V. PUBLIC HEARINGS

A. ANNEXATION/REZONING REQUEST(S)

1. Request to annex approximately 5 acres of property located at 2493 Hwy 501, (PIN 383-14-02-0002), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

B. TEXT AMENDMENTS

1. Amendment(s) to *Article 2 – Definitions, Article 4 – Use Tables, and Article 5 – Specific Use Regulations*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding mobile car wash / detailing facilities and/or businesses.
2. Amendment(s) to *Article 2 – Definitions, Article 5 – Specific Use Regulations, and Article 6 – Design Standards*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding requirements for corner lots and lots with double frontage.
3. Amendment(s) to *Article 11 – Signage and Article 15 – Enforcement*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding signs placed on public property and/or within public rights-of-way, as well as violations of the UDO and penalties for such violations.

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VI. DISCUSSION

A. Future Land Use Map Amendments for properties on Main Street and surrounding area(s).

VII. DECEMBER 2024 MEETING DATE

VIII. BOARD INPUT

IX. STAFF INPUT

X. UPCOMING MEETINGS

<u>MEETING</u>	<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>	<u>ADDRESS</u>
City Council	July 15, 2024	4:00 p.m.	City Hall	229 Main St.
Community Appearance Board (CAB)	July 24, 2024	4:00 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
Board of Zoning Appeals (BZA)	July 25, 2024	5:30 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
Planning Commission (PC)	August 1, 2024	5:30 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.

XI. ADJOURNMENT

CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, JUNE 6, 2024
Planning & Building Dept. Conference Room – 196 Laurel Street

Present: Jessica Wise, Kendall Brown, Ellen Watkins, George Ulrich, Thomas J. Anderson III, Greg Bryson, David Sligh, Danny Hardee

Absent: Brian O’Neil

Staff: Jessica Hucks, Planning Director; Brent Gerald, Planner; Katie Dennis, Planning Concierge; Charlie Crosby, IT; Anne Bessant, Planning Assistant

Others: Michael Redmond, Cookie McMillan, Rob Tanner, Nanny Hernandez, Brandon Trusdale, & others

I. CALL TO ORDER

Vice-Chairperson Wise called the meeting to order at approximately 5:30 pm.

II. APPROVAL OF MINUTES

Ulrich made a motion, seconded by Anderson to approve the May 2, 2024 minutes as written. The vote in favor was unanimous. The motion carried.

III. PUBLIC INPUT

Cookie McMillan spoke during public input with concerns of Buccanan Lane. Wise made a motion, seconded by Sligh, to close public input. Motion carried unanimously.

IV. SUBDIVISIONS

A. *Deferred* – Buchanan Lane- applicant(s) requesting approval of a design modification regarding roadway design standards (PIN 324-16-01-0005).

B. Rivers Edge Village – applicant(s) requesting approval to develop a conservation subdivision, consisting of 127 single family lots as well as requesting a design modification for the roadway design standards and street name approval for the project located on both East Country Club dr. and John Doctor Rd. (PIN 339-00-00-0023).

Hucks gave an overview of the applicant’s request. The proposed subdivision is located on East Country Club Drive and will be developed using the conservation subdivision design. It will consist of 127 single-family lots within 2 phases of development. Phase 1 will contain 31.09 acres of open space and phase 2 will contain 8.45 acres of open space. The remainder of the tract, approx. 51 acres, will remain conservation open space, as it is entirely blanketed by a flood zone. The conservation subdivision design requires that 75% of the lots directly abut or be directly across from conservation areas, and approx. 98% of the lots within this development will be meeting this standard, which far exceeds the 75% minimum. The project will have 100’

buffers from East Country Club Drive and John Doctor Rd, and 50' buffers along all other project boundaries. In addition to preliminary plan approval, the applicant is seeking a design modification for one block length for the proposed Snow Hill Way, which measures 1,610 linear feet. The maximum permitted per the ordinance is 1,200 linear feet unless a modification is granted by Planning Commission as necessary to secure efficient use of land or desired features of street pattern within a development. Finally, the applicant is also requesting approval of street names: Horonzy, Lisa Ann, Nigel, and Snow Hill; all of which have been reserved by Horry County Addressing.

Brady Gantt, G3 Engineering, applicant, was present and further explained the request.

The board, staff, and applicant discussed the request at length.

Sligh made a motion to approve the design modification request as presented, including preliminary plan approval and street name approval except for Snow Hill Way. The motion was seconded by Ulrich and the motion carried unanimously.

C. Spring Oaks- Letter of Credit renewal and reduction.

Hucks stated that a letter of credit in Spring Oaks is to cover any remaining required infrastructure, which in this instance includes remaining street trees, sidewalks, curb & gutter repair/replace, and the surface layer of asphalt for the roadways, is set to expire on June 30, 2024. All other infrastructure has been installed. The amount of the *current* letter of credit is \$360,900.00 and is from Anderson Brother Bank, letter of credit number 150538143. **The reduced letter of credit amount is \$258,100.00.**

36 of the lots in this development have been completed and 58 lots are either vacant or under development, and there have been new homes permitted and constructed in this development in the last six months. Staff recommends extending the letter of credit for one more year, at the requested reduced amount of \$258,100.00.

Mike Redmond, Carolina Engineering Services, LLC, applicant, was present to answer any questions.

Ulrich made a motion to approve the request as presented. Brown seconded the motion and the motion carried unanimously.

V. PUBLIC HEARINGS

A. ANNEXATION/REZONING REQUEST(S)

1. Request to annex approximately 11.22 acres of property located on Hwy 501, past the intersection of Hwy 501 and Wild Wing Blvd (PIN 383-00-00-0323), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

Hucks gave an overview of the request. The property is located a little past the intersection of Wild Wing Blvd, on the left side of Hwy 501 heading toward the beach. Last year, the adjacent property was annexed into the city as Highway Commercial, for development of 2 fast food chains. Properties on either side are already within the city limits, essentially making this property a donut hole, and requiring annexation in order to connect to city utilities at the time any development is proposed. The property is currently zoned Highway

Commercial in the county's jurisdiction, and the requested zoning classification, if annexed, is also HC. The city's future land use map also identifies the property as HC.

The applicant was not present.

There was no public input. Wise made a motion, seconded by Sligh, to close public input. Motion carried unanimously.

Sligh made a motion to recommend approval of the requested to City Council as presented. Anderson seconded the motion and the motion carried unanimously.

B. REZONING REQUESTS

1. Request to rezone approximately 3.31 acres of property located at 695 Century Circle (PIN 383-06-03-0005) from the City of Conway Planned Development (PD) district to the Light Industrial (LI) district.

Hucks stated that the property is located on Century Circle, inside the Atlantic Center Industrial Park. Majority of the properties within the Atlantic Center are in the County's jurisdiction and zoned Planned Unit Development, or PUD, which is the older version of the Planned Development District. This property was annexed in 2006 as a Planned Development, as that was the property's zoning in the county as part of the Atlantic Center Planned Development. Further, the property was not developed at the time of annexation. In addition to the zoning, the property is also subject to Protective Covenants and Easements that, among other things, outlines the permitted and prohibited uses. The ordinance for the Planned Development also mirrors the protective covenants for the Atlantic Center, which lists the permitted and prohibited uses.

In July 2022, staff received a request for a zoning determination letter, in which the Zoning Administrator responded to, stating that the proposed use of the property – H&E Equipment Services, would not be a permitted use based on the PD documents and the protective covenants for the property.

Following this, there were discussions as to whether the proposed use could be permitted with the approval of the Property Owner's Association or if the original developer would have to lift the restriction. By August of 2022, a determination was made that the use could be permitted with approval from the Atlantic Center Property Owner's Association. Subsequently, a letter from the POA was provided by the owner approving the use with conditions that were later satisfied, giving the property owner approval to move forward with permitting.

It wasn't until a Certificate of Occupancy for the building was requested a few months ago, that current staff realized the zoning of the property did not permit the use that had been constructed on the site, and regardless of the approval from the Property Owner's Association, it did not change the permitted or prohibited uses for the property, per the Planned Development district ordinance at the time the property was annexed, which mirrored the protective covenants for the Atlantic Center.

Though the Certificate of Occupancy was granted, the use that exists is considered legal nonconforming, even though the use was recently created. Under the current ordinance, a legal nonconforming use cannot be expanded outside the current building footprint and if the current use were to cease operation or the building were to be vacated, the use could not be re-established after 180 days.

Aside from that, a Planned Development District is required to consist of a mixture of uses, including different residential dwelling types, different densities, as well as commercial uses. A single use Planned Development does not meet the intent of a Planned Development District.

Therefore, staff reached out to the property owner detailing this concern and proposed to rezone the property to the Light Industrial (LI) district, which in turn would permit the use already established on the property. This is why the City is listed as the designated agent for the rezoning request. 6 other properties within the Atlantic Center are in the city limits, with 5 of them zoned Light Industrial. The other property, directly beside the subject property, is zoned Institutional.

Regardless of the property's zoning, all properties within the Atlantic Center will continue to be subject to the Protective covenants for the Atlantic Center Industrial Park.

There was no public input. Wise made a motion, seconded by Ulrich, to close public input. Motion carried unanimously.

Ulrich made a motion to recommend approval of the request to City Council as presented. Anderson seconded the motion and the motion carried unanimously.

VI. TEXT AMENDMENTS

1. Amendment to *Article 10 – Subdivision and Land Development*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding revisions to various standards contained within Article 10.

Hucks gave an overview, stating that staff began going through the UDO towards the end of 2022/beginning of 2023 to identify any inconsistencies or incorrect information contained within each article of the UDO. At the 2023 budget retreat, staff presented Council with a proposal to bring forward a text amendment for each article of the UDO to make the necessary corrections, and to include any other items that were not yet included but may already be policy. However, 2023 was a challenging year for Planning, with several large-scale annexations and projects being submitted, so these amendments were temporarily put on hold along with several other items on our to-do list.

Now that we are starting to see several projects come through for review; many of which are a result of the annexations we've received over the last year and a half or so, staff agreed that Article 10 – which contains the City's Land Development Regulations, should be the first article of the UDO to be amended.

For clarity, while a majority of the Unified Development Ordinance contains zoning regulations, Article 10 contains regulations which control site design, street layouts, provisions for utility services, requirements for preliminary plan and final plat approvals, among other subdivision regulations.

Zoning regulations control what can be developed on a property and how land is developed *vertically*, while land development regulations govern how that land is developed *horizontally*.

Some of the biggest items included in the amendment includes requiring a master plan to be submitted for conservation subdivisions and Planned Developments, for wetlands to be platted outside of lots intended to be developed and instead keeping in common areas of open space requiring lots to be accessed internal to subdivisions only and not outside of the subdivision, as well as the revisions to Wastewater Pump facilities; remove the requirement for Council to approve letters of credit for subdivisions and to accept approval of the letter of credit contingent on approval of the Technical Review Committee. While it doesn't happen often,

there are times where scheduling can cause delays in getting final plats approved for individual phases of development because we cannot approve the plats that would create the lots without the letter of credit being approved and received from the bank.

Other revisions are mostly housekeeping changes to clarify what is already practiced or what is current policy. What is not included in this current amendment are revisions to open space requirements as well as revisions to the conservation subdivision design standards; both of which are contained in Article 10. Because of the changes being proposed for requirements for open space and the conservation subdivision design, staff proposes to bring those sections of Article 10 to Planning Commission separately, as their own amendment. Open Space amendments is another item that had been discussed at the City Council budget retreat in 2023 and how amendments could be made to the city's open space requirements that could include options to address the city's park expansion plans.

Staff is hoping to get the text amendment for open space revisions on the July Planning Commission agenda for consideration and public hearing. As for the amendments to Article 10, Council discussed the proposed text amendment during a workshop at their meeting this past Monday. Since the amendments were sent to you with the packet, there have been additional proposed changes; some of which were submitted from Public Works to include in their road design standards, and all other changes have been provided to you on a handout.

There was no public input. Wise made a motion, seconded by Ulrich, to close public input. Motion carried unanimously.

Sligh made a motion to recommend approval of the requested amendments to City Council as presented. Ulrich seconded the motion and the motion carried unanimously.

VII. BOARD INPUT

Wise gave a shout out to the City for requiring the hundred foot buffers to conservation subdivisions and stated that it works very well. She also encouraged others to go take a look at the one on Collins Jollie Road for reference.

Watkins added that the new Conway sign on Fourth Avenue near Palmetto Taps looks great.

Ulrich thanked staff for all of their hard work.

VIII. STAFF INPUT

Hucks mentioned that there will be several text amendments for next month's Planning Commission meeting and provided a brief overview of the signs in right of ways amendment, which had been previous reviewed by Planning Commission and has since been revised.

IX. ADJOURNMENT

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 6:13 pm.

Approved and signed this _____ day of _____, 2024.

Brian O'Neil, Chairman

DATE: July 11, 2024

ITEM: IV.A.

ISSUE:

Previously deferred ...Buchanan Lane – the applicant, Sellers Construction, is requesting a design modification from the roadway design standards for future development of a property located on Buchanan Lane, which would service PIN 324-16-01-0005.

BACKGROUND:

- | | |
|------------|--|
| 1958 | PB 25-141 subdividing a 60.50-acre parcel into Tract A (30.25 acres) and Tract B (30.25 acres) showing a 50' res. street. |
| 2014 | PB 263-129 creating parcels B-1, B-2, and B-3, which also names Buchanan Lane as a 50-ft <i>public</i> right-of-way (R/W). |
| 2017 | PB 274-152 combining 2 parcels on Graham Rd showing Buchanan Lane as a 50' <i>public</i> R/W. |
| 2018 | PB 283-73 subdividing a parcel (B-1) into 3 tracts (corner of Long Rd and Graham Rd) showing Buchanan Ln as a <i>private</i> R/W. |
| 2019 | PB 284-294 subdividing PIN 324-16-01-005 into Tracts A (4.04 acres) and B (0.77 acres), totaling 4.81 acres, and showing Buchanan Ln as a 50' <i>Public</i> R/W. |
| June 2023 | PIN 324-16-01-0005, containing approx. 4.04 acres, was annexed into the city limits (Ord. #ZA2023-05-15 (E)). |
| April 2024 | Design modification applied for from the road design standards for Buchanan Ln to be improved to the same standards as Graham Rd. |

The 4.04-acre tract was annexed into the city limits in 2023 as Low-Density Residential (R). The property owner proposes to develop a single-family dwelling on the property at some point in the near future; however, no permits for the structure have been applied for at this time. Buchanan Lane is a 50' unimproved right-of-way. Per *Section 10.5.2 – Street Improvements*, of the Unified Development Ordinance (UDO), “*all proposed streets shall be graded to the full width of the right-of-way and improved with a pavement width and standard curb and gutter and storm drainage section as required for the particular classification of street. All grading, pavement and curb and gutter shall be designed and installed in accordance with City of Conway standards and the approved construction plan*”.

Section 10.9.3 – Basic Design Requirements, provides several standards for construction of streets to be dedicated to the City upon completion, including right of way standards, drainage system/stormwater requirements, sub-grade/surface material requirements, underdrain requirements, standards for shoulders/ditches, etc.

The applicant is seeking a design modification to allow Buchanan Lane to be improved to the same standards as Graham Rd; provided that the 24' pavement width requirement is still met. Granting the modification would exempt the applicant from the requirement to install curb/gutter, sidewalks, and street trees along either side of Buchanan Lane.

Buchanan Lane (Google Earth street view):



Graham Rd (Google Earth Street view):



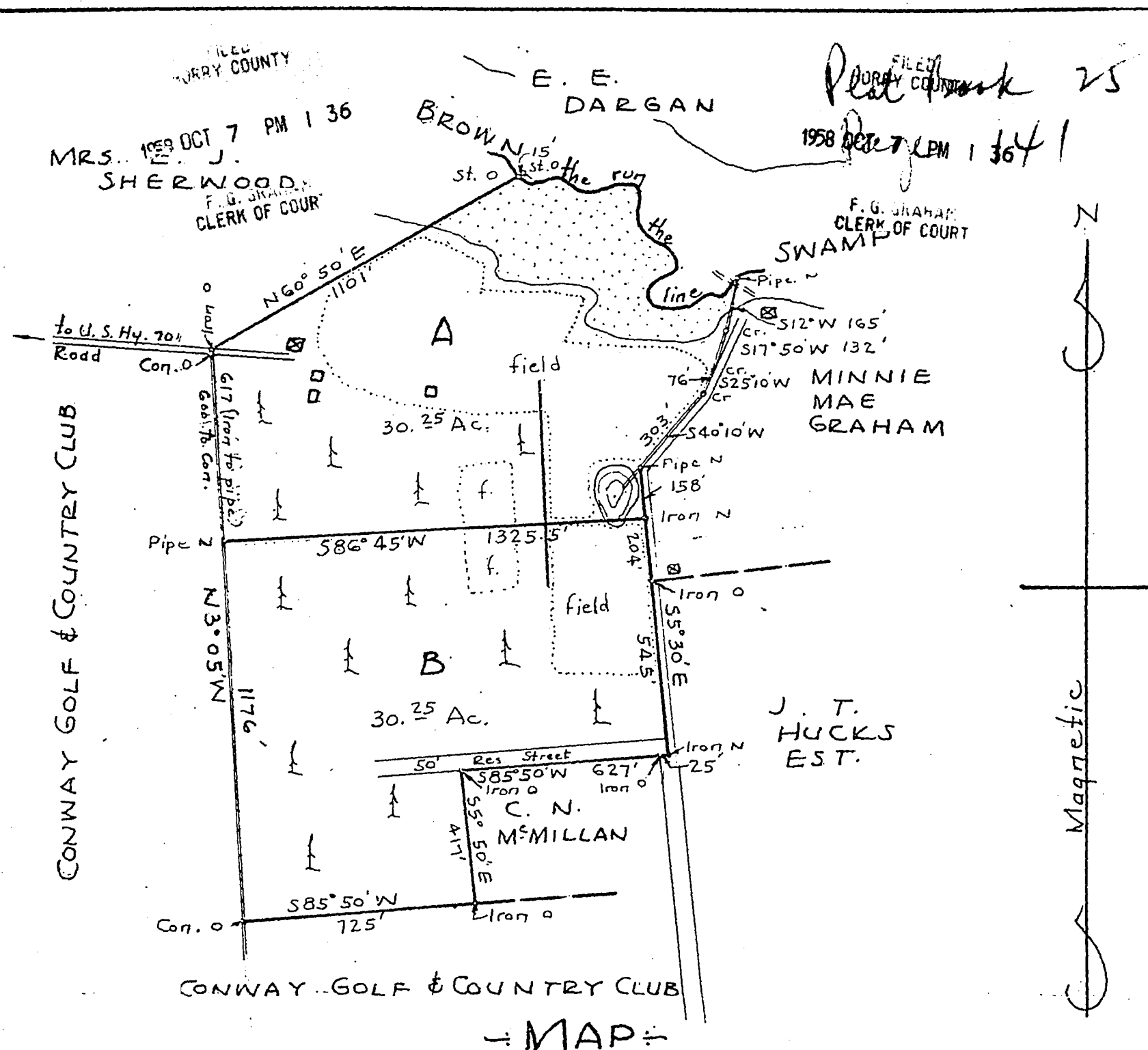
The design modification, if granted, will not exempt the applicant from having to comply with other construction standards, including base/binder course/subgrade requirements, surface course requirements, minimum paving tolerances, installation of street signage (if applicable), applicable drainage/stormwater improvements, etc. Public Works may also require that a geotechnical report and pavement design be provided if the native soil's conditions are considered unsatisfactory or of questionable suitability.

Additionally, Buchanan Lane will be required to be dedicated to the City for perpetual maintenance once the improvements have been completed AND before any permits for any construction on the property can be issued.

The requirements of *Section 10.5.2 (A) – Street Improvements*, regarding the requirement for all lots to be directly connected to the public street system and not an “island”, are and will continue to be applicable to this property.

STAFF RECOMMENDATION *(updated)*:

The applicant has requested that this item be deferred the past 2 meetings. Staff emailed the applicant last week to see if they were ready to move forward but have not yet received a response. Last month, they were still waiting on their engineer to get plans drawn for the road improvements. Additionally, road ownership continues to be an issue, as upon further research by city staff, the road is not public, but a *private* roadway. The road would have to be dedicated to the city once improvements are completed before any permits for the subject property could be issued. In order to do so, the underlying property owners would have to consent. Staff would recommend that the item be tabled if no new information has been submitted as of the date of the July 11th meeting.



OF 60.⁵⁰ ACRES OF LAND IN CONWAY TOWNSHIP,
Horry County, S. C., WHICH BOB LONG PROPOSES
CONVEYING AS FOLLOWS:

TRACT A, 30.25 ACRES TO

JESSAMINE LONG PORTER

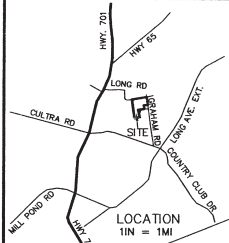
TRACT B, 30.²⁵ ACRES TO

JOE ROBERT LONG

SURVEY OCTOBER 2, 1958

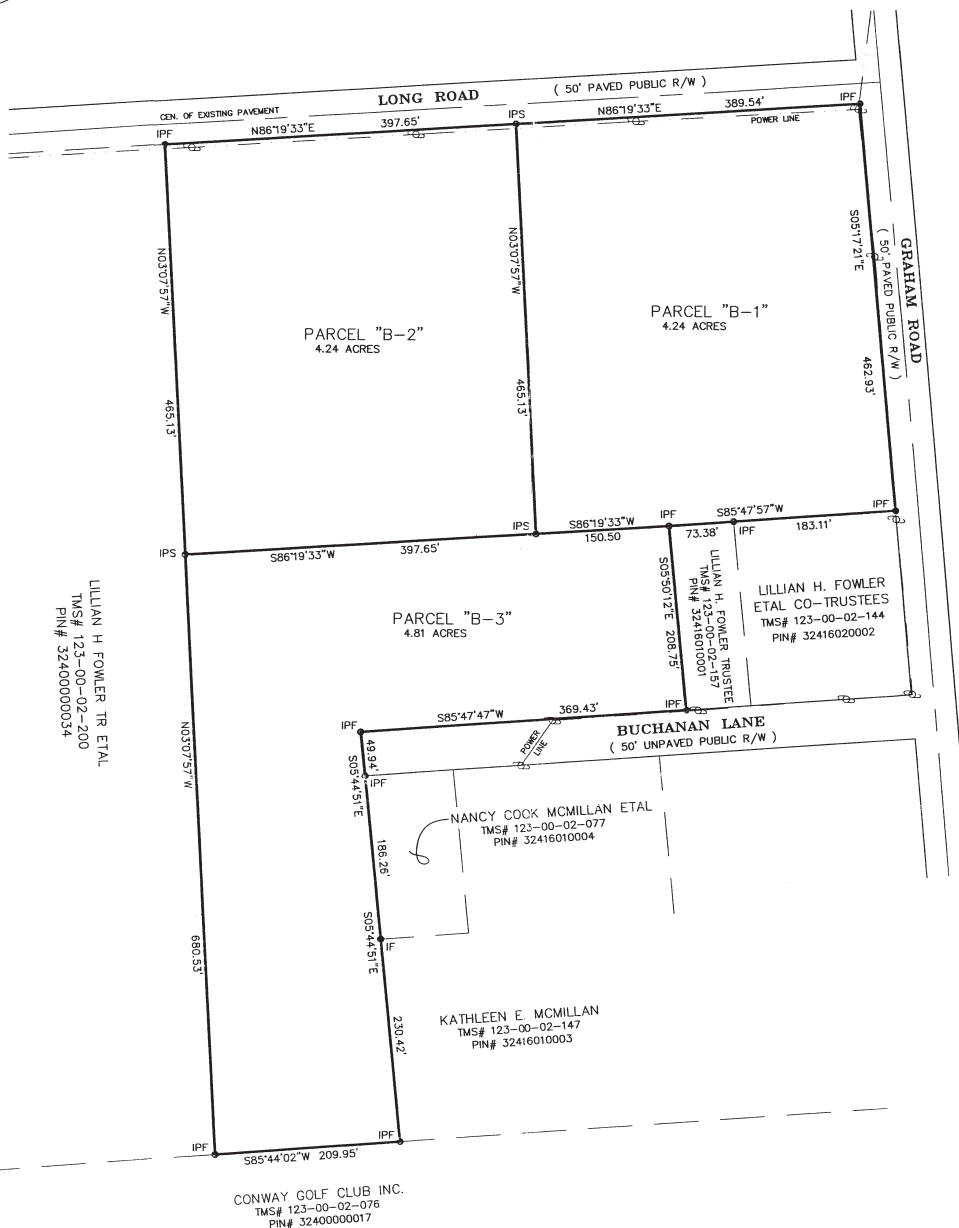
1 IN = 400 FT.

S. D. Cox, JR., R. L. S.



NOTE:
1.) THIS PROPERTY IS SUBJECT TO ALL RECORDED
EASEMENTS AND/OR RIGHT-OF-WAYS.

Instrument#: 2014000107529, PLAT BK: 263 PG: 129
DOCTYPE: 061, 09/16/2014 at 03:20:15 PM, 1 OF 1
BALLERY V. SKIPPER
HORRY COUNTY, SC REGISTRAR OF DEEDS



Instrument#: 2014000107529, PLAT BK:
263 PG: 129 DOCTYPE: 061 09/16/2014 at
03:20:15 PM, 1 OF 1
BALLERY V. SKIPPER, HORRY COUNTY,
SC REGISTRAR OF DEEDS

MAP OF
THREE PARCELS OF LAND IN CONWAY TOWNSHIP, HORRY COUNTY, S.C.
TO BE DEEDED AS FOLLOWS:

PARCEL "B-1": ANN COX LONG
PARCEL "B-2": JAMES HINES REDDICK, JR.
PARCEL "B-3": SANFORD COX GRAVES
& ANGIE DEAN GRAVES

RE: MAP FOR THE SUBDIVISION OF LANDS FOR THE ESTATE OF S. D. COX, JR. AND
LILLIAN H. FOWLER TRUST BY JESSE M. MUCKERMAN DATED 7-8-2014.

CERTIFICATE OF OWNERSHIP AND DEDICATION
THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON
AND THAT I(WE) HEREBY ADOPT THIS PLAN OF DEVELOPMENT(PLAT) WITH MY (OUR) FREE CONSENT AND THAT I(WE) HEREBY DEDICATE
ALL ITEMS AS SPECIFICALLY SHOWN OR INDICATED ON SAID PLAT.

NAME <u>JAMES HINES REDDICK, JR.</u>	SIGNATURE <u>[Signature]</u>	DATE <u>AUG 29, 2014</u>
NAME <u>Ann Cox Long</u>	SIGNATURE <u>[Signature]</u>	DATE <u>AUG. 30, 2014</u>
NAME <u>Sanford Cox Graves</u>	SIGNATURE <u>[Signature]</u>	DATE <u>August 31, 2014</u>
NAME <u>ANGIE DEAN GRAVES</u>	SIGNATURE <u>[Signature]</u>	DATE <u>SEPT 5, 2014</u>

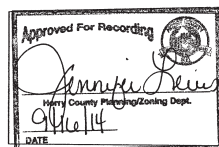
CERTIFICATE OF ACCURACY
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE
WITH THE REQUIREMENTS OF THE "MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA", AND MEETS OR
EXCEEDS THE REQUIREMENTS FOR A CLASS (A,B,OR C) SURVEY AS SPECIFIED HEREIN.
RATIO OF PRECISION 1: 7,500+ CLASS "B" SURVEY. AREA DETERMINED BY THE COORDINATE CROSS MULTIPLICATION METHOD OF CALCULATION.

CERTIFICATION OF NON-EVALUATION FOR WATER AND SEWER AVAILABILITY
THE PROPERTY OWNER OF RECORDS HEREBY ACKNOWLEDGES THAT THE SURVEYED PARCELS(S) AND/OR TRACT REMAINDER
HAS NOT BEEN REVIEWED TO DETERMINE THE AVAILABILITY OF ON-SITE WASTE DISPOSAL SYSTEMS OR PROVISION OF PUBLIC
WATER/SEWER SERVICES. RECORDED OF THIS PLAT SHALL NOT BE AN IMPLIED OR EXPRESSED CONSENT BY HORRY COUNTY
THAT THE LOTS OR OTHER LAND DIVISIONS SHOWN HEREON ARE CAPABLE OF BEING SERVICED BY ON-SITE WASTE DISPOSAL OR
PUBLIC WATER/SEWER SYSTEMS. UNLESS OTHERWISE STATED HEREON, ALL SURVEYED PARCELS AND/OR TRACT REMAINDERS HAVE
NOT BEEN REVIEWED FOR ON-SITE WASTE DISPOSAL SYSTEMS OR PUBLIC WATER/SEWER SERVICES.

[Signature]
(PROPERTY OWNER SIGNATURE)

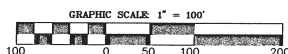
SEPT 16, 2014
(DATE)

DATA COLLECTED



PARENT TRACT: TMS# 123-00-02-078
PIN# 32400000016
DEED REC'D DB. 3754, PG. 3410, PB. 262 PG. 20 H.C.RECS.
OWNER OF RECORD: ANN LONG COX ETAL

THIS PROPERTY IS IN FLOOD ZONE "X"
AS PER FIRM # 450010006 H, DATED 8-23-1999.

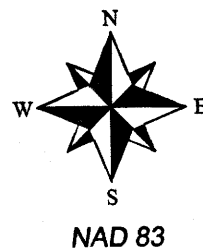


SURVEY DATE: AUGUST 22, 2014

Coastal Land Surveyors, LLC
223 Main St., Conway, S.C. 29526
PH: (843) 246-5455 / (843) 246-5555

[Signature]
REG. LAND SURV. S.C. 30767
JESSE M. MUCKERMAN

#123



PARCEL B-1
N/F JCJL, LLC
PIN: 324-09-04-0009
TMS #123-00-02-201
DB 3852/1283, PB 263/129

PARCEL B-3
N/F GRAVES SANFORD COX
PIN: 324-16-01-0005
TMS #123-00-02-203
DB 3788/1041, PB 263/129

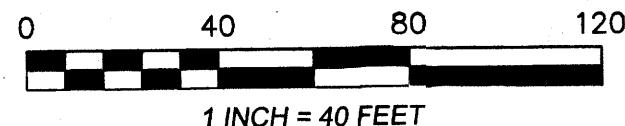
N/F BYRD CHARLES S
PIN: 324-16-01-0001
TMS #123-00-02-157
DB 3809/3477, PB 263/129

N/F BYRD CHARLES S
PIN: 324-16-02-0002
TMS #123-00-02-144
DB 3809/3477

TOTAL ACREAGE OF
COMBINED LOTS
53,507 SQ. FT.
±1.23AC

THIS LINE TO BE DELETED UPON RECORDING OF THIS PLAT

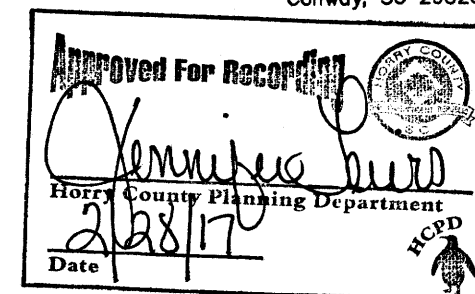
Instrument#: 2017000022581, PLAT BK: 274 PG: 152
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MARION D. FOXWORTH III, HORRY COUNTY, SC
REGISTRAR OF DEEDS



Instrument#: 2017000022581, PLAT BK:
274 PG: 152 DOCTYPE: 061 02/28/2017 at
03:11:34 PM, 1 OF 1 MARION D.
FOXWORTH III, HORRY COUNTY, SC
REGISTRAR OF DEEDS

NOTES:

1. This property may be subject to right of ways, easements, or restrictions either recorded or implied.
2. This property is located in Flood Zone X shown from FIRM 45051CO 506 H revised August 23, 1999.
3. Current owner of record: Charles S. Byrd
805 10th Ave
Conway, SC 29526



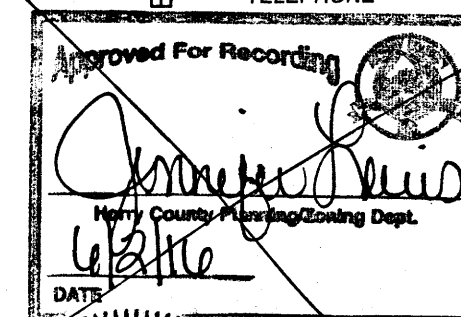
Certificate of Ownership and Dedication

The undersigned hereby acknowledge that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this (plan of development/ plat) with my (our) free consent and that I (we) hereby dedicate all items as specifically shown or indicated on said plat.

Charles Byrd *[Signature]* 6/2/16.
Name Signature Date

LEGEND

- ↓ GUY WIRE
- ⊙ REBAR SET
- CATCH BASIN
- ⊕ POWER POLE
- IRON PIPE FOUND
- TELEPHONE

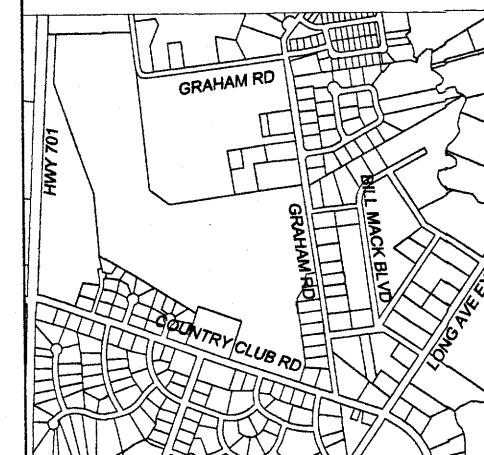


Certificate of Accuracy

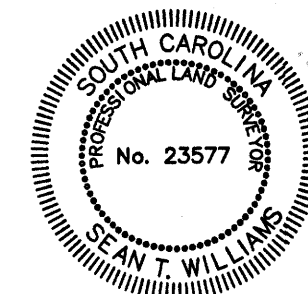
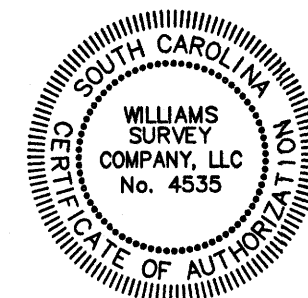
I hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina and meets or exceeds the requirements for a Class B survey as specified therein.

Sean T. Williams P.L.S. #23577 3/30/2016
Date

~ LOCATION MAP ~



COMBINATION SURVEY
OF 2 PARCELS
ON GRAHAM ROAD
TMS #123-00-02-144 &
TMS #123-00-02-157
CITY OF CONWAY
HORRY COUNTY
SOUTH CAROLINA
FOR
CHARLES S. BYRD



JOB # 1601-028

PIN:324-16-02-0002

TMS #123-00-02-144

SURVEY DATE: 3/30/2016

SCALE: 1 INCH = 40 FEET

WILLIAMS SURVEY CO., LLC
1480 ALFORD RD CONWAY
SOUTH CAROLINA 29526
PHONE: (843) 365-1975
WEB: www.wesurveysc.com

NOTES:

1. This property may be subject to right of ways, easements, or restrictions either recorded or implied.
2. This property is located in Flood Zone X shown from FIRM 45051CO 506 H revised August 23, 1999.
3. Parent tract: PIN: 324-09-04-0009
Reference Deed Book 3852 Page 1283
3. Current owner of record:

JCJL, LLC
201 Beaty St.
Conway, SC 29526

Reference Plats:

- #1 Map of "Three Parcels of Land" Tract B-1 for Ann Cox Long by Coastal Land Sureyors, LLC dated August 22, 2014 and recorded in plat book 263 at page 129.
- #2 Subdivision Map of "Four Lots of Land" for James Hines Reddick Jr. by Coastal Land Sureyors, LLC dated October 12, 2015 and recorded in plat book 268 at page 104.
- #3 Map of 26.60 Acres of Land for S.D. Cox Jr & Estate of M.S. Fowler by Coastal Land Surveyors, LLC dated January 12, 2000
- #4 Combination Survey of "Two Parcels of Graham Rd" for Charles S. Byrd by Williams Survey Company, LLC dated March 30, 2016 and recorded in plat book 274 at page 152.

Certificate of Ownership and Dedication

The undersigned hereby acknowledge that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this (plan of development/ plat) with my (our) free consent and that I (we) hereby dedicate all items as specifically shown or indicated on said plat.

JCJL *John R Long Jr* As Member 9-5-18
Name Signature Date

Name Signature Date

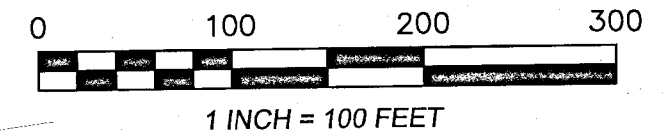
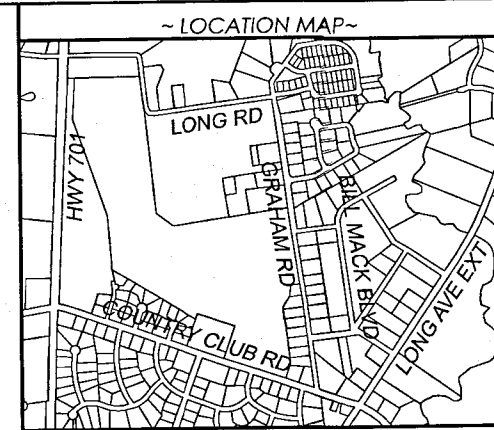
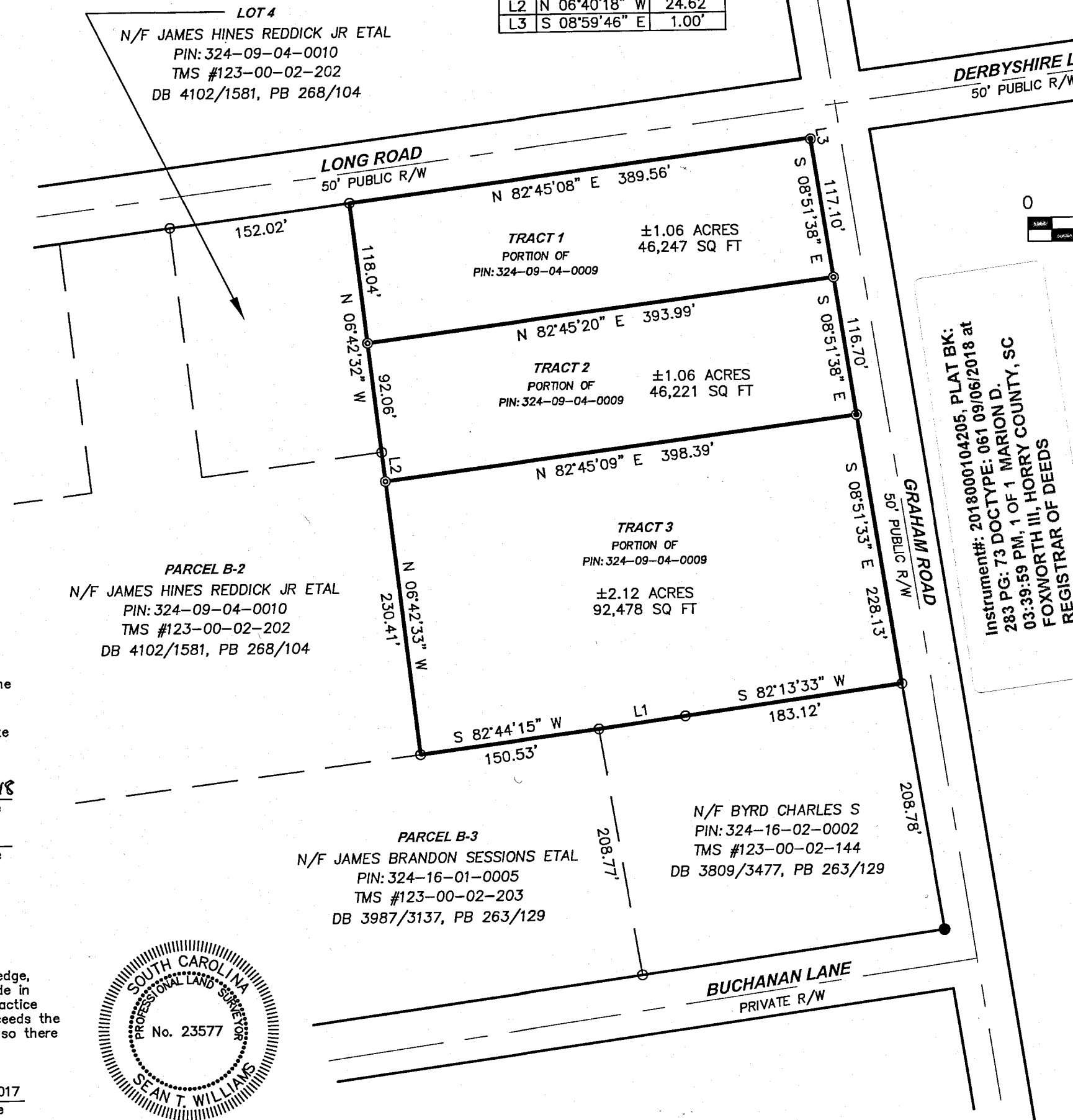
Certificate of Accuracy

I hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein; also there are no encroachments or projections other than shown.

Sean T Williams 9/4/2017
Sean T. Williams P.L.S. #23577 Date

Instrument#: 2018000104205, PLAT BK: 283 PG: 73
DOCTYPE: 061, 09/06/2018 at 03:39:59 PM, 1 OF 1
MARION D. FOXWORTH III, HORRY COUNTY, SC
REGISTRAR OF DEEDS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 82°14'57" W	73.33'
L2	N 06°40'18" W	24.62'
L3	S 08°59'46" E	1.00'

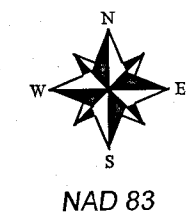


SUBDIVISION SURVEY
OF PARCEL B-1
(AS SHOWN ON REF. PLAT #1)
INTO THREE TRACTS
LOCATED IN THE CITY OF CONWAY
HORRY COUNTY SOUTH CAROLINA
FOR
JCJL, LLC

Approved for Recording
City of Conway Planning Department

By: *John R Long Jr*
Date: 9/6/18

- LEGEND
- IRON PIPE FOUND
 - ⊙ REBAR SET
 - CATCH BASIN



JOB # 1808-02
PIN: 324-09-04-0009
TMS # 123-00-02-201
SURVEY DATE: 8/26/2018
SCALE: 1 INCH = 100 FEET
SEAN T. WILLIAMS, PLS 1480 ALFORD ROAD CONWAY, SC 29528 PHONE: 843-365-1975 williamssurveyco@gmail.com









ISSUE:

Request by Larry Carter of CMH Homes INC, applicant, to annex approximately 5 acres of property located at 2493 E Hwy 501, (PIN 383-14-02-0002), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) zoning district.

BACKGROUND:

On June 17th, 2024, the applicant submitted an annexation and rezoning application for the subject property, located at 2493 E Hwy 501. The property is currently zoned Horry County Highway Commercial (HC) and is currently the location of the business Clayton Homes. The property is a donut hole along this portion of Hwy 501, and the adjacent parcels have been within the City of Conway for a number of years. The property does have a restrictive covenant on file and is requesting annexation at the city's request as a part of the restrictive covenant agreement.

Per *Section 3.2.10* of the UDO, the intent of the Highway Commercial (HC) district is to *provide compatible locations to serve the automobile-oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the City.*

Surrounding uses/Zoning Districts:

The property abuts parcels zoned City of Conway Light Industrial (LI), and City of Conway Highway Commercial. Adjacent uses is a self-storage facility, and Tyson Sign company office space.

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* also identifies the entire parcel as *Highway Commercial (HC)*.

STAFF RECOMMENDATION:

Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to City Council.

ATTACHMENTS:

Application;
GIS Maps

MAYOR

Barbara Jo Blain-Bellamy

MAYOR PRO TEM

Larry A. White



COUNCIL MEMBERS

Amanda Butler

William M. Goldfinch IV

Julie Ann Hardwick

Beth Helms

Justin D. Jordan

June 7, 2024

CMH Homes Inc
Retail Prop Dept #295
Maryville TN 37802-9790

Re: PIN # 383-14-02-0002 Legal Description: ; LOT B

Your property is adjacent to Conway City Limits, and the City of Conway is requesting you to annex into the City limits and rezone it from Horry County Highway Commercial (HC) zoning district to City of Conway Highway Commercial (HC) zoning district.

The annexation process is not complicated, and all associated fees will be waived. Staff will walk you through the entire process. For most single-family residential homes, the annexation process includes two readings of the annexation request at City Council. For all other uses, the annexation process requires City of Conway Planning Commission approval in addition to the two City Council readings.

To begin the process, you will need to fill out the attached forms. We have already filled out some portions for you; please fill out the remaining portions. On the Zoning Map Amendment Application, we have added our recommendation for the "Requested Zoning Classification". You can contact the Planning Department to discuss the requested zoning classification and its allowed uses at 843-488-9888. Once the forms have been completed, they can be sent via email to aemrick@conwaysc.gov or mailed to the address below:

City of Conway
Attn: Adam Emrick
PO Drawer 1705
Conway, SC 29528
(843) 488-248-1760

Please call if you have any questions, and we look forward to welcoming you to the City of Conway!

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Emrick".

Adam Emrick
City Administrator

Pros of Annexation into the City:

1. **Decreased Water Rates:** Upon incorporation into the city, water rates are slashed, offering significant savings on water consumption for residents and businesses alike.
2. **Improved Garbage Collection Services:** Enjoy more efficient and cost-effective garbage collection services, ensuring cleaner neighborhoods and reducing environmental impact.
3. **Discounted Rates for Commercial Dumpster Services:** Businesses benefit from discounted rates for both dumpster rentals and purchases, helping to manage waste disposal costs effectively.
4. **Lower Fire Insurance Premiums:** Annexation into the city results in lower fire insurance premiums for property owners, contributing to overall cost savings and improved safety measures.
5. **Community Representation:** Residents gain a voice in local governance and decision-making processes, ensuring their interests are represented and addressed by elected officials.



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning
Department 196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: ; LOT B

PIN: 383-14-02-0002 ACREAGE: 5

PROPERTY ADDRESS: 2493 W HWY 501, Conway, SC 29526

PROPERTY OWNER MAILING ADDRESS: CMH Homes, Inc. POB 4098 MARYVILLE TN 37802-9790

PROPERTY OWNER TELEPHONE NUMBER: 865 380 3000

PROPERTY OWNER EMAIL: RTLLICENSE@CLAYTONHOMES.COM

APPLICANT: CMH HOMES, INC. dba CLAYTON HOMES #295

APPLICANT'S EMAIL: RTLLICENSE@CLAYTONHOMES.COM IS

THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☒ NO ☐

IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

(Print)

Larry Carter

(Print)

(Signature)

Larry Carter

(Signature)

DATE: _____

DATE: 6/17/2024

DATE: _____



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of \$250.00 at the time this application is submitted. Planned Development rezonings are \$2,500.00 and Planned Development Amendments are \$500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 2493 W HWY 501, Conway, SC 29526 FEE PAID () YES () NO
AREA OF SUBJECT PROPERTY (ACREAGE): 5 PIN: 383-14-02-0002
CURRENT ZONING CLASSIFICATION: Horry County Highway Commercial
COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Highway Commercial
REQUESTED ZONING CLASSIFICATION: City of Conway Highway Commercial

NAME OF PROPERTY OWNER(S):

CMH HOMES INC

PHONE # _____

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

CMH HOMES, INC.dba Clayton Homes #295

PO Box 4098, Maryville, TN 37802

I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.

Larry Carter

6/17/2024

PROPERTY OWNER'S SIGNATURE(S)






DATE

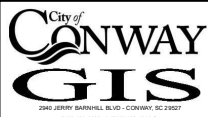
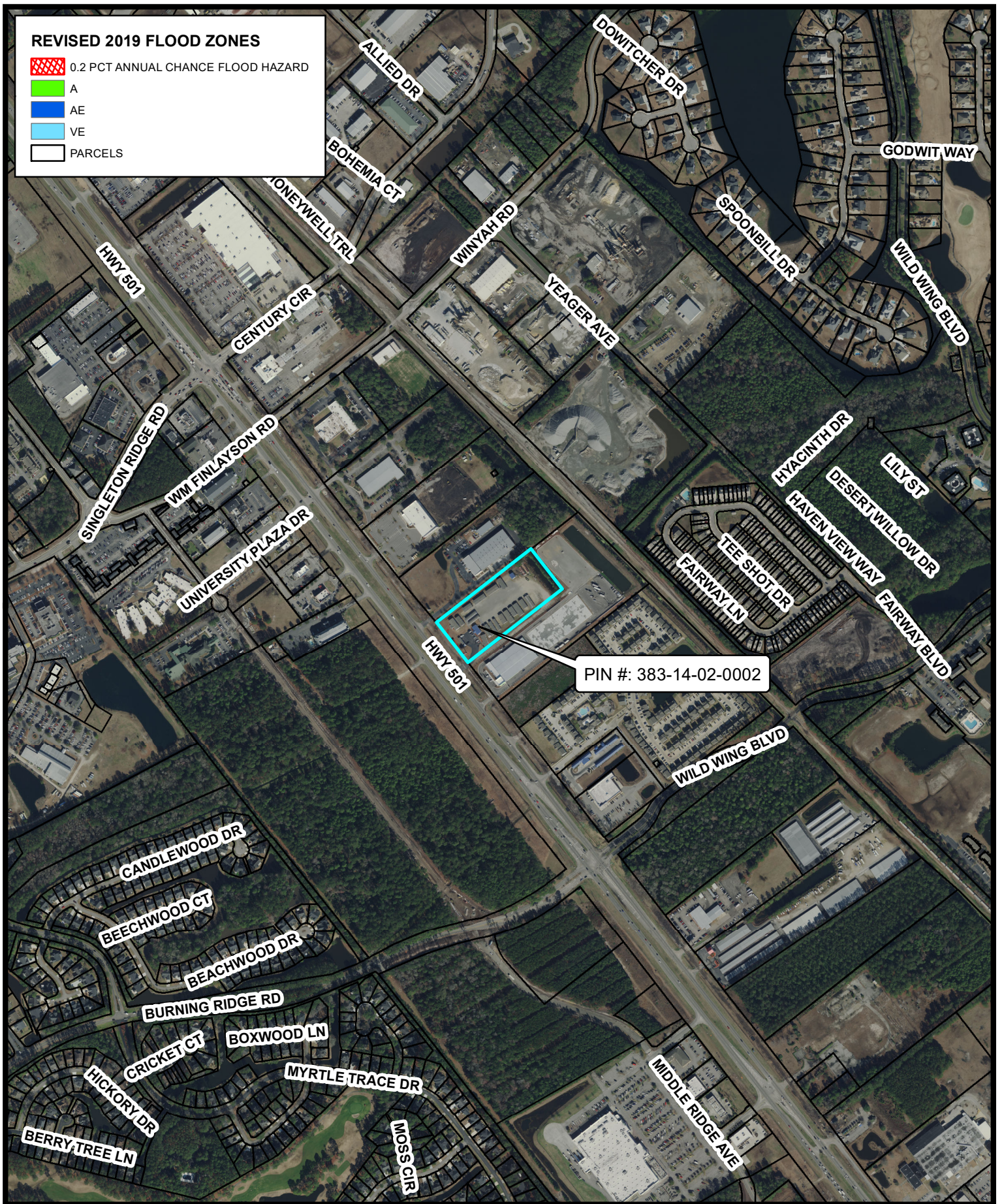
PROPERTY OWNER'S SIGNATURE(S)

DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

REVISED 2019 FLOOD ZONES

-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
-  VE
-  PARCELS



Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

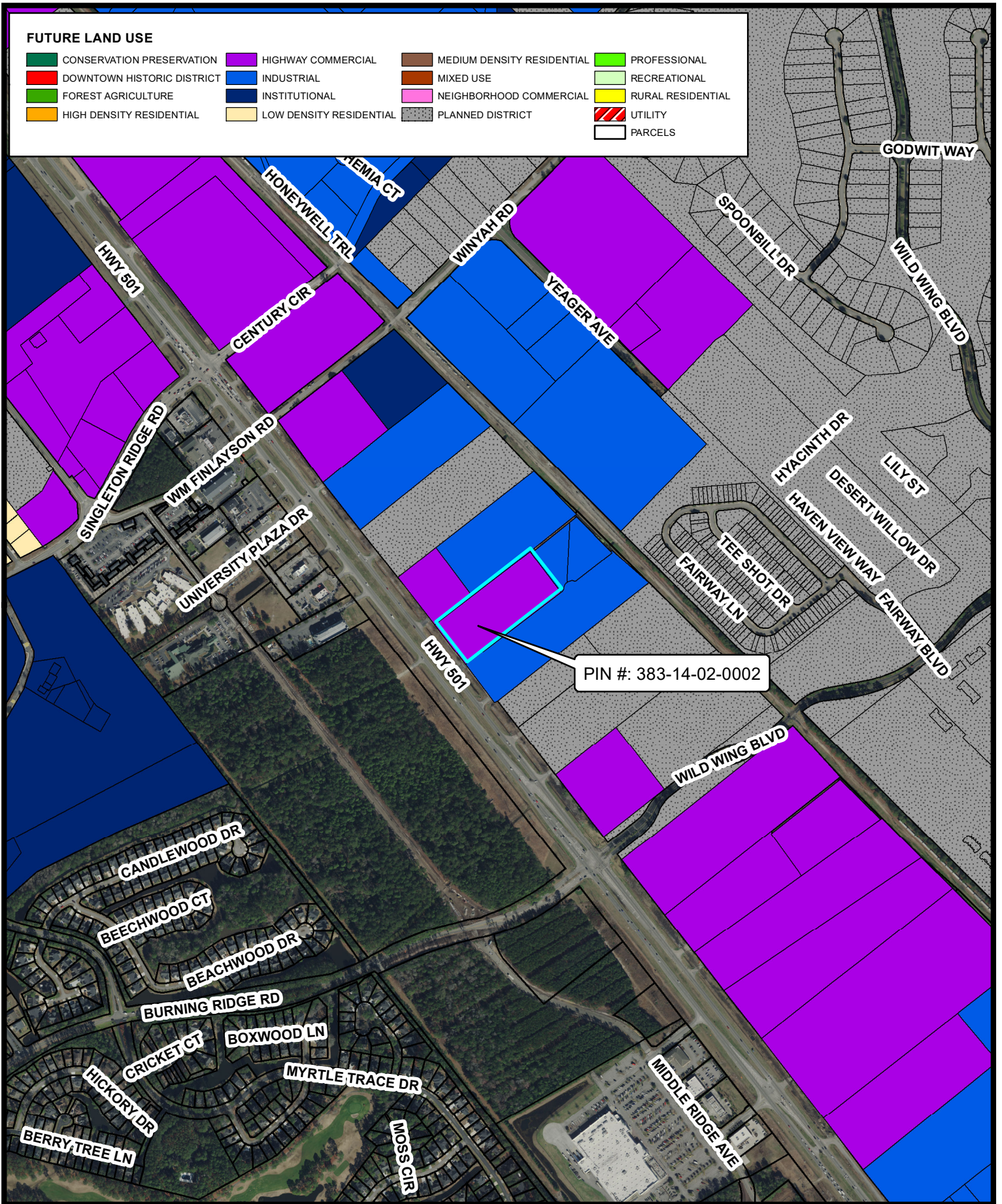


PIN #: 383-14-02-0002
TMS #: 151-00-03-049
2493 E HWY 501 (CLAYTON HOMES)
(P24-0155)



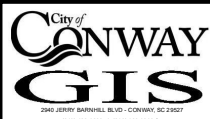
FUTURE LAND USE

CONSERVATION PRESERVATION	HIGHWAY COMMERCIAL	MEDIUM DENSITY RESIDENTIAL	PROFESSIONAL
DOWNTOWN HISTORIC DISTRICT	INDUSTRIAL	MIXED USE	RECREATIONAL
FOREST AGRICULTURE	INSTITUTIONAL	NEIGHBORHOOD COMMERCIAL	RURAL RESIDENTIAL
HIGH DENSITY RESIDENTIAL	LOW DENSITY RESIDENTIAL	PLANNED DISTRICT	UTILITY
			PARCELS



Legend

PARCELS

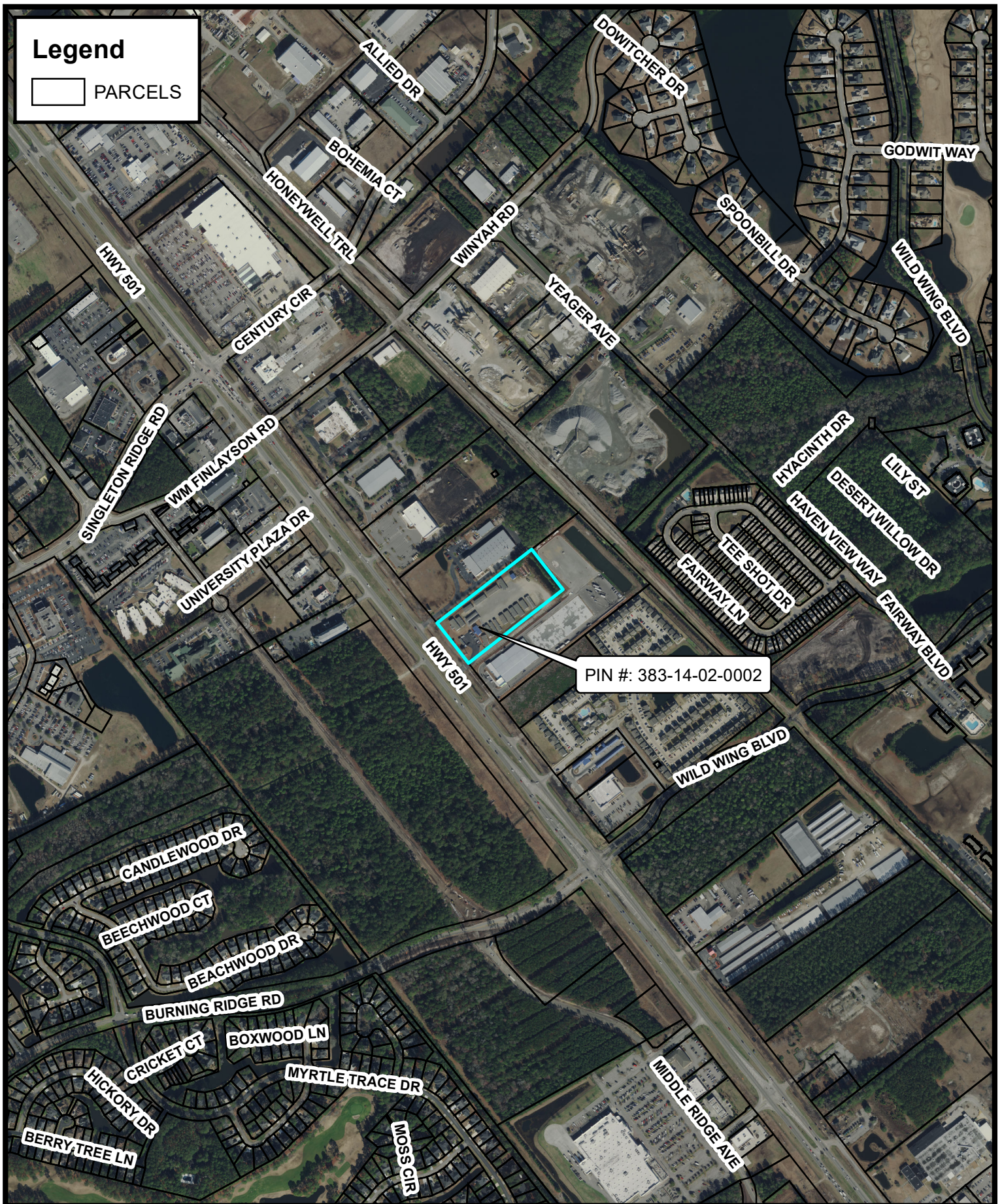


Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.



PIN #: 383-14-02-0002
TMS #: 151-00-03-049
2493 E HWY 501 (CLAYTON HOMES)
(P24-0155)





ISSUE:

Discussion of a proposed amendment to *Article 2 – Definitions*, *Article 4 – Use Tables*, and *Article 5 – Specific Use Regulations*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding mobile car wash/detailing facilities and businesses.

BACKGROUND:

Currently there are no provisions for the lawful permitting of mobile car wash/detailing businesses within any zoning district in the City of Conway.

Mobile car wash/detailing businesses are on the rise and without regulations in place, City staff can only advise interested parties that this is not a permitted use.

From the discussions that staff has had with CCU alumni, this may become a future curriculum at Horry Georgetown Technical College. HGTC has brought back their automotive program after 30 years and the goal of several individuals is to get automotive reconditioning offered as a course of study in the automotive program.

Currently, Horry County allows Mobile Car Detailing as a Home-Based Business with the condition that vehicles are not brought back to the applicants home for washing.

Staff has also reached out to DHEC and OSHA for any requirements they may have.

Furthermore, there has been recent interest in waterless vehicle detailing based out of trade shop locations in the industrial districts. The waterless wash process is as simple as spraying a product on a painted surface, wiping said product from the surface and going behind with a clean microfiber towel to ensure the excess product is gone. This process is typically done inside of the trade shop location. With this process there is no need to introduce water to clean a vehicle; therefore, eliminating any stormwater run-off.

Public hearing notice requirements have been satisfied.

RECOMMENDATION:

Staff recommends that Planning Commission provide a thorough review of the proposed amendments and make an informed recommendation to City Council.

Article 4. Use Tables

Article 4 Contents

Section 4.1 – How to Use This Section

Section 4.2 – Use Tables

Section 4.3 – Footnotes

This page is for reference / example only.

4.1 How to Use This Section

Each table looks similar to this example below:

B. ACCESSORY USES	SPECIFIC USES	R	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Dwelling Uses	Accessory Dwelling	C	C	C	C	C											C	C			6.2.2, 6.3.8, 6.3.9
	Bed & Breakfast Home	C	C	C	C	C	C	C	C	C											5.1.4

- First column lists general groupings (e.g. 'Residential Dwelling Types for the category listed in the column header (A. Residential Types)
- Second column lists specific uses.
- Middle columns represent each City of Conway zoning district, with a use code. The letter codes are as follows:

P	= Use is Permitted in that district
Blank	= Use is Not Permitted in that district
C	= Use is permitted as a Conditional Use (see Article 5 and Article 6 for conditions)
Pa	= Use is Permitted, but only as an accessory use
P¹, C¹	= Footnote indicates additional information; See section 4.3 for notes

- Applicable Standards columns: Indicates ordinance section numbers with additional standards related to the specific use.
- Land Use Code (LUC) column indicates applicable required landscape buffer type for each specific use; reference Article 9, Section 9.2 for specific requirements for each buffer type.
- The Planning Director has the authority to consider and treat a proposed use that is similar to a specific use in Article 4.

4.2 Use Tables

A. RESIDENTIAL USES	SPECIFIC USES	R	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Residential Dwelling Types	Duplex				C ⁷	C	C	C	C												6.2.1, 6.2.2, 6.2.3 10.4.1
	Multi-Family					C	C	C				C	C	C	P	P _a ³					6.2.1, 6.2.2, 6.2.3 6.3.6, 6.3.7, 6.4.1
	Single-Family	P	P	P	P	P	P	P	P										P		6.2.1, 6.2.2, 6.2.3
	Townhouse				C ⁷	C	C	C	C			C	C								6.2.1, 6.2.2, 6.2.3 6.3.6, 10.4.1
	Duplex–Semi-Detached					C	C	C	C												6.2.1, 6.2.2, 6.2.3; 10.4.1
B. ACCESSORY USES	SPECIFIC USES	R	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Dwelling Uses	Accessory Dwelling	C	C	C	C	C											C	C			6.2.2, 6.3.8, 6.3.9
	Bed & Breakfast Home	C	C	C	C	C	C	C	C												5.1.4
	Commercial Short-Term Rental												C	C	C						5.1.5
Business	Home-based Occupation	C	C	C	C	C	C	C	C			C							C		5.2.4
Agricultural	Non-commercial agriculture/horticulture	P	P	P	P														P		
	Non-commercial keeping of fowl/livestock		C																C		5.2.5
	Greenhouse	P _a	P _a	P _a	P _a	P _a	P _a	P _a			P _a					P _a	P _a		P _a	P _a	5.1.30, 5.2.1
Other	Boat Dock	P _a	P _a	P _a	P _a	P _a	P _a	P _a							P _a				P	P	
C. CONSERVATION USES	SPECIFIC USES	R	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
	Conservation Area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Forest Management Area																		P	P	
	Fishing	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	
	Hunting	C	C	C	C														C	C	5.1.15
	Cemetery	P	P	P	P	P			P		P										
	Passive Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

D. PARKS & RECREATION USES	SPECIFIC USES	R	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Public Recreational Facilities	Recreational Facilities associated with Municipal, County, State, and Federal Governments and Schools	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	
Private Sports Facilities	Athletic Fields (w/ lights)										P					P	P	P	P	P	
	Athletic Fields (non-lighted)										P					P	P	P	P	P	
	Golf course (w/ lights)										P										
	Golf course (non-lighted)	P	P	P	P	P	P	P	P		P					P _a ³			P	P	
	Golf Driving Range										P					P _a ³	P	P	P	P	
	Gymnasiums										P					P	P	P	P	P	
	Outdoor Basketball Courts															P			P	P	
	Skating Rink										P						P	P	P	P	
	Swimming Facility Natatorium	P _a	P _a	P _a	P _a	P _a	P _a	P _a	P _a		P					P			P	P	5.2.8
	Tennis Facilities	P _a	P _a	P _a	P _a	P _a	P _a	P _a	P _a						P	P			P	P	
Other	Amenity Center	P _a	P _a	P _a	P _a	P _a	P _a	P _a	P _a										P	P	
	Miniature Golf										P					P _a ³			P	P	
E. AGRICULTURAL USES	SPECIFIC USES	R	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
	Agricultural Crop		P														P	P	P		
	Aquiculture		P																P		
	Fish Farms & Hatchery		P																P		
	Stabling, Raising of Horse & Cattle		C																C		5.2.5
	Tree Farms & Silviculture		P														P	P	P		
	Agricultural Research		P															P	P		
	Nursery, Garden Center									C	C					C _a	C	C	C		5.1.30

F. CIVIC/ INSTITUTIONAL USES	SPECIFIC USES	R	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Community Residential Care Facility (CRCF)	Assisted Living Facility								P							P					
	Congregate Housing								P							P					
	Continuing Care Retirement Community															P					
	Group Home					C	C		C				C			P					5.1.14
	Nursing Home								P		P					P					
Day Care Facilities	Adult Day Care Services								C	C	C	C	C			C					5.1.7
	Day Care Facilities for Adults								C	C	C	C	C			C					5.1.7
	After School Program	C	C	C	C	C	C		C _a							C _a					5.1.7
	Child Day Care Facility								C	C	C	C	C			C					5.1.7
	Family Day Care Home					C	C		C			C									5.1.7
Community Support Services	Community Support Facility								C	C	C	C	C				C	C			5.1.32
	Outpatient Treatment Facility																C	C			5.1.32
Other Care Facilities	Funeral Home, Mortuary					C	C		C	C	C	C	C			C					5.1.12
	Hospital								P		P					P					
Assembly	Assembly Hall															P _a					
	Banquet Hall												P	C	P	P _a					5.1.3; 6.3.6
	Civic Club									P	P	C	P		P	P					
	Religious Institution	C	C	C	C	C	C	C	C	C	C	C	C	C		P			P		5.1.22; 6.3.6
Public Safety	Fire and Police Station	P	P	P	P	P	P	P	P	P	P	C	P	P		P	P	P	P	P	
Educational	Educational Facility	C	C	C	C	C	C	C	P	P	P	C	P			P					5.1.9
	Library								P	P	P	C	P	P		P					
	Museum								P	P	P	C	P	P	P	P					
	Vocational, Trade School										P		P _a ⁶			P	P	P			

G. PROFESSIONAL SERVICES	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Business Office	Accounting Firm, Bookkeeper's Office							P	P	P	C	P	P	P		P	P			
	Administration Office							P	P	P	C	P	P	P		P	P			
	Advertising Agency							P	P	P	C	P	P	P		P	P			
	Architect's or Land Development Office							P	P	P	C	P	P	P		P	P			
	Brokerage Firm							P	P	P	C	P	P	P		P	P			
	Consulting Firm							P	P	P	C	P	P	P		P	P			
	Employment Agency							P	P	P	C	P	P	P		P	P			
	Engineering or Surveying							P	P	P	C	P	P	P		P	P			
	Financial Institution							P	P	P	C	P	P			P	P			
	Insurance Sales							P	P	P	C	P	P			P	P			
	Law Firm/Attorney Office							P	P	P	C	P	P	P		P	P			
	Real Estate Office							P	P	P	C	P	P	P		P	P			
	Secretarial Service							P	P	P	C	P	P	P		P	P			
	Travel Agency							P	P	P	C	P	P	P		P	P			
Medical/Clinical	Chiropractor							P	P	P	C	P	P		P					
	Clinics (not to include outpatient treatment facilities)							P	P	P	C	P	P		P					
	Counseling Service							P	P	P	C	P	P		P					
	Dentist / Orthodontist / Oral Surgeon							P	P	P	C	P	P		P					
	Doctor's Office							P	P	P	C	P	P		P					
Other	Charitable Institution (office)							P	P	P	C	P	P	P	P	P	P			
	Government Office							P	P	P	C	P	P	P	P	P	P			
	Religious Institution Office (no assembly)							P	P	P	C	P	P	P	P	P	P			

H. NEIGHBORHOOD COMMERCIAL	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Personal Services	Barber Shops/Beauty Shop							P	P	P	C	P	P		P _a ³					
	Clothing Alterations, Tailor/Seamstress								P	P	C	P	P		P _a ³	P				
	Dance/Fitness Studio								P	P	C	P	P		P _a ³	P	P			
	Dry cleaner (no drive-thru)								P	P	C	P	P		P _a ³	P	P			
	Dry cleaner (with drive-thru)									C	C	C				C	C			5.1.8
	Hair or Nail Salon							P	P	P	C	P	P		P _a ³					
	Laundromat								P	P	C	P	P		P _a ³					
	Pharmacy							P	P	P	C	P	P		P _a ³					
	Shoe Repair								P	P	C	P	P		P _a ³	P	P			
	Tanning Salon								P	P	C	P	P		P _a ³					
	Doggie Daycare/Spa							C		C						C	C			5.1.31
Food & Convenience Stores	Bakery								P	P	C	P	P	P	P _a ³	P				
	Wholesale Bakery															P	P			
	Butcher Shop									P						P	P			
	Candy Store/Confectionary								P	P	C	P	P	P	P _a ³					
	Convenience Store								P	P	C	P	P		P _a ³					
	Fruit & Nut Store								P	P	C	P	P	P	P _a ³					
	Grocery Store								P	P	C	P	C							5.1.13
	Health, Nutrition Food Store, Vitamin Store								P	P	C	P	P		P _a ³					
	Ice Cream Shop							P	P	P	C	P	P	P	P _a ³					
	News Stand								P	P	C	P	P	P	P _a ³	P	P			
	Produce Stand								P	P	C	C	C	C	P _a ³	C	C	P		5.1.20
	Wholesale Produce															P	P			
	Specialty Food Store								P	P	C	P	P	P	P _a ³					

H. NEIGHBORHOOD COMMERCIAL	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Dining	Bars, Tavern, Nightclub								C	P	C	P	P	C		P				5.1.25
	Teen Club, Teen Dance Club								C	P	C	P	P	C						5.1.25
	Café & Coffee Shop							P	P	P	C	P	P	P	P _α ³					
	Restaurant (no drive-thru)							P	P	P	C	P	P	P	P _α ³					
	Sidewalk Café and Outdoor Dining							C	C	C	C	C	C	C	P _α ³					5.1.23
	Parklet												C							5.1.23
Clothing	Bridal, Formal Wear Shop								P	P	C	P	P			P				
	Clothing Store, Specialty Shop								P	P	C	P	P	P	P _α ³	P				
Artists & Craftsmen's Stores	Antique Store							P	P	P	C	P	P	P		P				
	Artists' Studio & Gallery							P	P	P	P	P	P	P	P _α ³	P				
	Frame Shop							P	P	P	P	P	P	P		P				
	Gift Shop							P	P	P	C	P	P	P	P _α ³	P				
	Hobby/Craft Shop							P	P	P	C	P	P	P	P _α ³	P				
	Photography Sale & Studio, Film Developing							P	P	P	C	P	P	P	P _α ³	P				
Specialty Retail	Bookstore							P	P	P	C	P	P	P	P _α ³	P				
	Tobacco Shop								P	P	C	P	P	P	P _α ³	P	P			
	Florist							P	P	P	C	P	P	P	P _α ³					
	Wholesale Florist															P	P			
	Hardware Store								P	P	C	P	P			P	P			
	Musical Instrument Sales & Repair								P	P	C	P	P	P		P				
	Pet Supply, Pet Grooming								P	P	C	P	P			P	P			
	Music Store								P	P	C	P	P			P				
	Stationary Shop							P	P	P	C	P	P	P	P _α ³	P				

H. NEIGHBORHOOD COMMERCIAL	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Other	ATM Bank Machine							P _a	P _a	P _a	C	P _a	P _a		P _a	P _a	P _a			
	Gas & Service Station								P	P		P				P	P			
	Optical & Hearing Center							P	P	P	C	P	P		P _a ³	P				

I. HIGHWAY COMMERCIAL	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Retail & Service	Appliance Sales & Service								P	P	C	P	P			P	P			
	Big Box Retail Store, Department Store									P	C									
	Boat Sales									P						P	P			
	Boat Service									P						P	P			
	Computer Sales & Service								P	P	C	P	P		P	P				
	Copying Center, Print Shops								P	P	C	P	P		P	P	P			
	Discount Store									P	C	P	P			P	P			
	Fabric Shop								P	P	C	P	P							
	Furniture Repair & Upholstery								P	P	C	P	P			P	P			
	Furniture Store & Showroom								P	P	C	P	P							
	Jeweler								P	P	C	P	P	P _a		P				
	Leather Shop									P	C	P	P	P _a		P				
	Package Store, Liquor Stores									P	C	P								
	Shoe Store								P	P	C	P	P							
	Shopping Center									P	C									
	Sign Shop									P	C	P	P			P	P			

I. HIGHWAY COMMERCIAL	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Auto-Oriented Uses	Auto Accessory Store									P		P				P	P			
	Automobile Dealership									P		P	P			P	P			
	Car Wash & Detailing									C						C	C			5.1.6
	Rental Car Agency									P	C					P	P			
	Truck & Auto Repair Service									P						P	P			
Supply & Wholesale	Building Supply, Equipment Sales									P						P	P			
	Office Supply Store									P	C	P	P		P	P	P			
	Paint, Wallpaper, Flooring Supply & Sales									P	C	P				P	P			
Entertainment Venues	Arcades, Billiard									P		P _a	P _a	P _a						
	Bingo Establishment									P										
	Bowling Alley									P										
	Multiplex Movie Theater									P	C									
	Drive-In Movie Theater															P	P			
	Amphitheaters															C	C			5.1.34
	Theater									P	C	P	P							
Other	Farmers' Market								C	C	C	C	C	C				C	C	5.1.10
	Fitness Center, Athletic Club								P	P	C	P	P		P _a ³	P	P	P	P	
	Hotel, Motel, Inn							P	P	P	C	P	C	P	P _a ³	P	P			
	Restaurant w/ Drive-thru									P										

I. HIGHWAY COMMERCIAL	SPECIFIC USES	R	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Restricted Uses	Adult-Oriented Establishment																C	C			5.1.1
	Armory										P						C	C			5.1.18
	Indoor Shooting Range										C						C	C			5.1.35
	Bail Bonds Establishment																C	C			5.1.2
	Body Piercing Shop								C	C	C	C	C	C		C	C	C			5.1.24
	Drive-in Movie Theater										C										
	Flea Market										C										5.1.11
	Manufactured and Modular Home Sales																C	C			5.4.1, 5.1.18
	Mobile Vending	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	5.1.16
	Pawn Shop										P						C	C			5.1.18
	Portable Storage Unit	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	5.2.7
	Private Club										C						P				
	Mini Storage Unit (Mini Storage Warehouse)										C						C	C			5.1.18, 5.1.29
	Sporting Goods									P	P	C	P	P	P		P	P			
	Tattoo Parlor																C	C			5.1.24
	Veterinarian/Animal Clinic										C						C	C			5.1.18, 5.1.28

J. LIGHT INDUSTRIAL	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU²	CC	CBD	WRD⁵	IN	LI	HI	FA	CP	Applicable Standards
Research/ Science	Research Facility														C	C	C			5.1.18
	Science Laboratory														C	C	C			5.1.18
Light Industrial	Custom Manufacturing									C		P _a ¹	P _a ¹			C	C			5.1.18
	High Technology Industry															C	C			5.1.18
	Limited Industrial															C	C			5.1.18
	Microbrewery								P _a	P _a	C	P _a	P _a	P _a		C	C			5.1.18
Light Storage/ Distribution	Building Supply Lumber Yard									C						C	C			5.1.18
	Warehousing									C						C	C			5.1.18
	Wholesaling, Storage & Distribution (Light)															C	C			5.1.18
K. HEAVY MANUFACTURING & DISTRIBUTION	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU²	CC	CBD	WRD⁵	IN	LI	HI	FA	CP	Applicable Standards
Production & Processing	Agricultural Processing															C	C	C		5.1.18
	Alternative Energy Production																C	C		5.1.18
	Heavy Industrial																C			5.1.18
	Manufacturing, Processing															C	C			5.1.18
	Meat Processing									C						C	C			5.1.18
	Mining or Well-drilling																C	C		5.1.18, 6.4.4
Distribution & Storage	Container Switchyard & Container Storage																C			5.1.18
	Truck & Railroad Terminal																C			5.1.18
	Wholesaling, Storage & Distribution (Heavy)																C			5.1.18

L. PUBLIC INFRASTRUCTURE	SPECIFIC USES	R	RA	RR	R1	R2	R3	R4	P	NC	HC	MU ²	CC	CBD	WRD ⁵	IN	LI	HI	FA	CP	Applicable Standards
Transportation	Airfield, Airport										P					P					
	Bus, train, or taxi lot and facility										P		P				C	C			5.1.18
	Parking Deck										C		C	C		C					
	Passenger Facility (transit stop, station)					P	P	P	P	P	P	C	P	P	P	P	P	P		P	5.1.26
	Parking Lot								C	C	C	C	C	C	C						5.1.33
Utilities	Cellular/Wireless Communication Tower																C	C			5.1.27
	Public Utility Facility	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	5.1.21
Other	Recycling Center																C	C	C		5.1.18
	Marinas (public and private)														P						

Amended: [ZA2013-08-05(A) ZA2014-01-06(B) ZA2018-02-19(E) ZA2018-12-17(A) ZA2019-04-01(D) ZA2019-04-01(E) ZA2019-05-20(E) ZA2021-07-06(E) ZA2021-06-21(A) ZA2021-06-21(B) ZA2020-09-21(A) ZA2023-10-02(F)]

4.3 Footnotes

1. Custom Manufacturing permitted in CBD as an accessory use to a Craft Store that sells the products manufactured on site.
2. Conditional Uses listed under the Mixed Use (MU) column shall meet the requirements in Section 6.4.3.
3. Accessory uses in the Institutional (IN) Zoning District shall only be permitted when the principal use is a college or university.
4. Accessory uses in the Institutional (IN) Zoning District shall only be permitted when the principal use is a medical facility.
5. Permitted uses and conditional uses listed under the WRD column shall meet the mixed-use requirements in Section 6.4.1 if located in the WRD-1 sub-district.
6. Accessory Uses in the Core Commercial (CC) Zoning District shall only be permitted when the principal use is a permitted (P) use in the CC District.
7. Single Family attached dwellings (townhome & duplex) are permitted in the R1 zoning district only when the project is being developed as a Conservation Subdivision and meets the requirements of Section 10.4 of the UDO. Single Family attached dwellings in a Conservation Subdivision must meet the R2 dimensional requirements of Table 6.1.

Section 5.1 – Conditional Uses

- 5.1.1 Adult Entertainment Establishments
- 5.1.2 Bail Bond Establishments
- 5.1.3 Banquet Halls
- 5.1.4 Bed & Breakfast Homes
- 5.1.5 Commercial Short-Term Rentals
- 5.1.6 Car Wash & Detailing Facilities
- 5.1.7 Day Care Facilities & After School Programs
- 5.1.8 Dry Cleaners with Drive-Through Services
- 5.1.9 Educational Facilities
- 5.1.10 Farmers Markets
- 5.1.11 Flea Markets
- 5.1.12 Funeral Homes & Mortuaries
- 5.1.13 Grocery Stores
- 5.1.14 Group Homes
- 5.1.15 Hunting
- 5.1.16 Mobile Vending
- 5.1.17 Modular Homes
- 5.1.18 Open Air Storage
- 5.1.19 Open Display
- 5.1.20 Produce Stands
- 5.1.21 Public Utility Facilities
- 5.1.22 Religious Institutions
- 5.1.23 Sidewalk Cafés and Outdoor Dining
- 5.1.24 Tattooing/Tattoo Parlors
- 5.1.25 Taverns, Bars, Night Clubs, Teen Clubs
- 5.1.26 Transit Shelters
- 5.1.27 Transmission Towers, Wireless, Cellular or Communication Towers
- 5.1.28 Veterinarian / Animal Clinic
- 5.1.29 Mini Storage Units
- 5.1.30 Nurseries, Garden Centers, and Greenhouses
- 5.1.31 Doggie Daycare and Spas
- 5.1.32 Community Support Services (Support Facilities & Outpatient Treatment Facilities)
- 5.1.33 Parking as a Stand-Alone Use
- 5.1.34 Amphitheaters
- 5.1.35 Indoor and Outdoor Shooting Ranges
- 5.1.36 Electric Vehicle Charging Stations (EVCS)
- 5.1.37 Mobile Car Wash & Detailing
- 5.1.38 Waterless Vehicle Detailing

5.1.6 Car Wash & Detailing Facilities

- A. Car washes are permitted in the HC, LI, and HI Zoning Districts, subject to the following conditions. A minimum lot size of 20,000 square feet shall be required for a car wash facility.
- B. Vehicle Stacking: A minimum of 5 stacking spaces for queuing of cars shall be provided per car wash bay.
- C. Required Yard Activity: Car wash facilities shall not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any landscape areas.
- D. Distance from Residential Districts: The establishment shall not be located within one hundred (100) feet, measured in any direction, of a residential district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street.
- E. Exit Drives: The establishment shall provide exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
- F. Surface Drainage: The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way or adjoining properties as a result of the car wash operations.

5.1.37 Mobile Car Wash & Detailing

- A. Business License. The Mobile Car Detailer shall obtain and carry at all times a valid City of Conway Business License.
- B. Zoning Compliance. The Mobile Car Detailer shall obtain an annual Zoning Compliance. The Zoning Compliance shall be valid from May 1 until April 30 of the ensuing year to run concurrent with the City of Conway Business License.
- C. DHEC. The Mobile Car Detailer shall provide approval from DHEC to engage in this business type.
- D. Unpermitted Activities. In the operation of a mobile car wash/auto detail business, it is unlawful for a principal, employee or agent of the business to:
 - 1. Engage in washing the exterior of a vehicle upon any public street or public right-of-way, or upon any vacant property or unimproved lot.
 - 2. Interfere with the ingress or egress of the abutting property owner or tenant or create or become a public nuisance, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
 - 3. Engage in washing or cleaning a motor vehicle engine.
 - 4. Leave any location without first picking up, removing and disposing of all trash, materials or refuse remaining from mobile car wash/auto detail activities.
 - 5. Advertise that services are available at a specific location, or otherwise invite customers to come to a specific location to receive services provided by the business.
 - 6. Erect or place advertising of the business at any location the business may operate.
 - 7. Operate at a fixed location.
 - 8. Operate a mobile car wash/auto detail business to provide services at any location without the consent of the property owner or authorized tenant.
 - 9. Violate any provision of SC State Law or of the City of Conway Code of Ordinances pertaining to water conservation, stormwater system or noise.
- E. Registration & Insurance. Each vehicle that is used by a mobile car wash/auto detail business

in performing services must be properly registered and insured.

- F. Signage.** Each licensee that uses a vehicle in its business operation may display the business name and telephone number on one or both sides of the vehicle (or on any attached mobile unit or trailer). The displayed graphics must be in the form of paint, decals, or magnetic stickers affixed to the vehicle or trailer body.
- G. Time Limits.** A mobile car wash/auto detail business may operate between the hours of 7am – 8pm and cannot be at a particular location for more than four (4) hours.

 - 1. The limitation above does not apply to a licensed mobile car wash business during any period in which the business:

 - a. Is washing vehicles consisting of the inventory of a motor vehicle dealer licensed in the City of Conway to sell or lease motor vehicles; or
 - b. Pursuant to the written agreement with another business, is washing the vehicles that are used by that other business or vehicles that belong to employees of that other business.
- H. Location Restrictions.** No mobile car wash/auto detail business may operate within one hundred fifty feet (150) of any location at which any other mobile car wash/auto detail business is providing services during the period of those services.

5.1.38 Waterless Car Wash & Detailing

- A.** Waterless Car Wash & Detailing is permitted in the LI and HI zoning districts subject to the following conditions.
- B.** A Waterless Car Wash shall not create any standing water and shall not drain directly into the drainage system.
- C.** Required parking and site circulation for existing use(s) shall be maintained.
- D.** The facility being used for the Waterless Car Wash and Detailing business shall be permitted and have received a Certificate of Occupancy as a trade shop use by the City of Conway Building Dept.
- E.** The facility shall pass Fire Inspection prior to a City of Conway Business License being issued.

5.2.4 Home-Based Business

A gainful occupation conducted in an office within a residential structure, by a resident of the home, with no outward appearances of a business within the premise. Services of the business that are not office-related are conducted off-premises.

A. Home-based businesses shall be subject to the following requirements:

1. No retail sales shall be permitted;
2. No visible indication the residence is being used as a business location shall be permitted;
3. No stock or equipment shall be stored at the residence except in a vehicle used in conjunction with the business;
4. Such business shall employ only the business owner and members of the immediate family currently residing at the business address;
5. No clients or customers of such business shall be permitted to receive services at the business location;
6. No accessory structure shall be used in conjunction with the business and only ten percent (10%) or one (1) room of the residence shall be used in conjunction with the business;
7. No deliveries shall be permitted other than by regular mail or overnight mail services;
8. No tractor trailers shall be permitted in conjunction with home-based businesses;
9. All signage shall be subject to the requirements set forth in Article 11.

B. The following list contains the permitted home-based businesses. Any similar businesses shall be reviewed and approved by the Planning Director.

Auto Wrecker Service	Fencing Contractor	Locksmith	Septic / Sewer Services
Brick Mason	Fire Extinguisher Service	Mail Order Business	Siding Contractor
Carpenter	Floor Finishing Contractor	Mobile Food Vending*	Sprinkler Contractor
Carpet or Rug Cleaning	General Contractor	Mobile Vehicle Detailing**	Stucco Contractor
Carpet & Tile Contractor	Heating / Air Conditioner Contractor	Pest Control Service	Tree Surgery
Consulting Services	Ice Cream Vendor	Plumbing Contractor	Window Washing Service
Drywall & Painting Contractor	Insulation Contractor	Pool Installation / Services	Windshield Repair
Electrical Contractor	Janitorial Services	Roofing Contractor	
Errand / Shopping Service	Landscaping Services	Security Services	

*The Mobile Food Vendor shall provide the location of an appropriate storage facility where the vending unit is when not in operation.

**Mobile Vehicle Detailing shall remain mobile. The home may not be advertised as a Mobile Detail location, nor shall any vehicles be brought back to the home for detailing.

Article 4. Use Tables

I. HIGHWAY COMMERCIAL	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU²	CC	CBD	WRD⁵	IN	LI	HI	FA	CP	Applicable Standards
Auto-Oriented Uses	Auto Accessory Store									P		P				P	P			
	Automobile Dealership									P		P	P			P	P			
	Car Wash Facility & Detailing									C						C	C			5.1.6
	Mobile Car Detailing							C	C	C	C	C	C	C	C	C	C	C		5.1.37
	Rental Car Agency									P	C					P	P			
	Truck & Auto Repair Service									P						P	P			
	Waterless Car Facility															C	C			5.1.38
Supply & Wholesale	Building Supply, Equipment Sales									P						P	P			
	Office Supply Store									P	C	P	P		P	P	P			
	Paint, Wallpaper, Flooring Supply & Sales									P	C	P				P	P			
Entertainment Venues	Arcades, Billiard									P		P _a	P _a	P _a						
	Bingo Establishment									P										
	Bowling Alley									P										
	Multiplex Movie Theater									P	C									
	Drive-In Movie Theater															P	P			
	Amphitheaters															C	C			5.1.34
	Theater									P	C	P	P							
Other	Farmers' Market								C	C	C	C	C	C				C	C	5.1.10
	Fitness Center, Athletic Club								P	P	C	P	P		P _a ³	P	P	P	P	
	Hotel, Motel, Inn							P	P	P	C	P	C	P	P _a ³	P	P			
	Restaurant w/ Drive-thru									P										

DATE: July 11, 2024

ITEM: V.B.2.

ISSUE:

Proposed amendments to *Article 2 – Definitions*, *Article 5 – Specific Use Regulations*, and *Article 6 – Design Standards*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding requirements for corner lots and lots with double frontage.

BACKGROUND

At the May 6, City Council workshop, staff presented proposed amendments to several sections within the UDO, pertaining to the definition and requirements for Double Front Yards vs Corner Front Yards.

A Double Front Yard is only discussed in the UDO for proposed lots (*not existing legal non-conforming lots*). The attached proposed amendments will better serve the residence and aid in their understanding of what the UDO defines as “Yards”.

The sections / items proposed to be amended within the UDO include the following:

- Section 2.2.1 - Definitions
- Section 5.2.3 – Fences and Walls
- Section 6.1.9 – Setbacks for Corner Lots

RECOMMENDATION:

Staff recommends that Planning Commission give a thorough review of the proposed amendments to the UDO and make an informed recommendation to City Council.

A **Double Front Yard** is only discussed in the UDO for proposed lots (*not existing legal non-conforming lots*).

Newly created **Double Front** lots must install a **berm** or **landscape buffer** to be platted fee-simple and dedicated to the HOA/POA. This in turn eliminates the **Double Frontage** (*and the lot then has a rear yard*).

In order to better serve the residence and to aid in their understanding of what the UDO defines as “Yards”, staff is requesting consideration of the following additions.....

- **Article 2 – Definitions (Yard)** – To help residence (as well as future staff) better understand **Corner Front vs Double Front**
- **Section 12.1.5 – Nonconforming Lots of Record**
 - An existing **Double Front Yard** is considered **Legal Nonconforming**. This section speaks to minimum lot area and width only. Staff is requesting consideration of adding “yard” to this section as well.

Also, **Variance** requests are made almost monthly for fences in **Corner Front** and/or **Double Front Yards**.

Double Front Yards are **Legal Nonconforming**, so they have a true hardship since they are not allowed to be created per the UDO.

Corner Front Yards exist on every street corner, and therefore, do not truly meet the criteria for the granting of a variance.....*Extra Ordinary Condition, Other Property, Utilization and Detriment*.

Per **Section 5.2.3-Fences & Walls**:

Corner Front Yards are allowed a **6-ft Privacy Fence** provided the fence meets a **10-ft setback** from the property line. A **6-ft fence** installed in a **Corner Front Yard** cannot go forward the front façade of the house (*since this area becomes the Front Yard*). Since the fence cannot go forward the front façade of the house, and the Front Yard fence height is 4-ft maximum, the 6-ft fence will not be located in the site triangle.

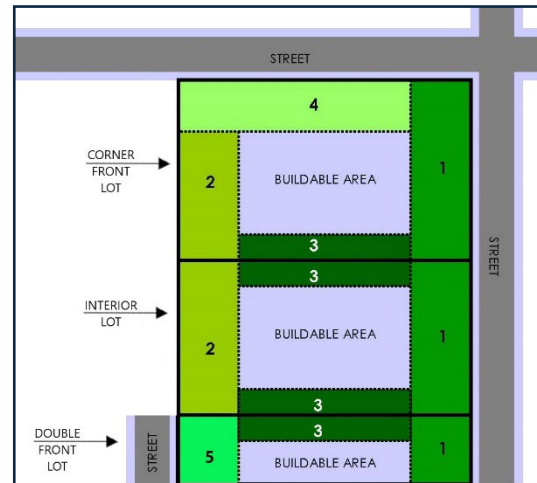
Consideration of changing the **10-ft setback** to a **5-ft setback** for the **6-ft Corner Front Yard Fences**.
(Section 5.2.3)

Article 2 - Definitions

2.2.1 General Definitions

Yard: A required undeveloped area of a property that lies between the principal building or buildings and the nearest lot line.

- **Front Yard (1):** A space extending the full width of the lot between any building and the front lot line. For corner lots, both yards lying between the primary structure and the intersecting streets shall be considered front yards; however, the front lot line shall be designated by the shorter of the two property lines adjacent to the street. The other front yard ~~at the side property line adjacent to the street,~~ shall be known as a **Corner Front Yard (4).**
- **Rear Yard (2):** A space extending across the full width of the lot between the principal building and the rear lot line. For corner lots, the rear yard shall be that yard on the opposite side of the building from the front lot line.
- **Side Yard (3):** A space extending from the front yard to the rear yard between the principal building and the side lot line.
- **Double Front Yard (5):** A space extending across the full width of the lot between the rear of the principal building and the adjacent street. Double Front Yards do not have a Rear Yard. (See Figure)



Article 5 – Specific Use Regulations

5.2.3 Fences & Walls

A fence or wall, constructed of wood, vinyl, brick, stone, ornamental (iron / aluminum), chain link (where permitted) and other similar materials approved by the Zoning Administrator (or their designee), may project into or enclose required yards (but not over any boundary) in all zones providing that a maximum height, measured from the natural grade at which the fence or wall occurs, does not exceed the following: [ZA2018-10-15 (E); ZA2020-09-21 (B); ZA2021-07-19(C)]

A. Commercial and Residential:

1. Front Yards - 4 feet
2. Double Front Yards – 4 feet
3. Corner Front Yards - 6 feet (provided it meets a 10-foot setback from the property line)
4. Side Yards - 6 feet
5. Rear Yards - 8 feet

B. Industrial Zoning Districts:

1. Front Yards - 6 feet (not permitted in any required front setback)
2. Double Front Yards – 6 feet (not permitted in any required double front yard setback)
3. Corner Front Yards – 6 feet
4. Side Yards - 10 feet
5. Rear Yards - 10 feet

5.2.1 Fences & Walls

A fence or wall, constructed of wood, vinyl, brick, stone, ornamental (iron / aluminum), chain link (where permitted) and other similar materials approved by the Zoning Administrator (or their designee), may project into or enclose required yards (but not over any boundary) in all zones providing that a maximum height, measured from the natural grade at which the fence or wall occurs, does not exceed the following: [ZA2018-10-15 (E); ZA2020-09-21 (B); ZA2021-07-19(C)]

A. Commercial and Residential:

1. Front Yards - 4 feet
2. Double Front Yards – 4 feet
3. Corner Front Yards - 6 feet (*provided it meets a 10-foot setback from the property line*)
4. Side Yards - 6 feet
5. Rear Yards - 8 feet

B. Industrial Zoning Districts:

1. Front Yards - 6 feet (*not permitted in any required front setback*)
2. Double Front Yards – 6 feet (*not permitted in any required double front yard setback*)
3. Corner Front Yards – 6 feet
4. Side Yards - 10 feet
5. Rear Yards - 10 feet

- C. Corner Lots:** A fence or wall located on a corner lot may be up to six (6) feet in height provided it meets a mandatory ten (10) foot setback from the property line. Furthermore, fences and walls installed on corner lots must remain clear of all sight triangles, in accordance with Section 7.1.8. [Amended 10-15-18 ZA2018-10-15 (E)]

Article 6 – Design Standards

6.1.9 ~~Side Yard~~ Setbacks for Corner **Front Lots** and **Double Front Lots**

In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards. The ~~side yards with street frontage~~ (**corner front or double front**) ~~on corner lots~~ shall be subject to the setback requirements set forth in Table 6.1.

A space extending the full width of the lot between any building and the front lot line is the **Front Yard (1)**. For **Corner Lots**, both yards lying between the primary structure and the intersecting streets shall be considered front yards; however, the front lot line shall be designated by the shorter of the two property lines adjacent to the street. The other front yard ~~at the side property line~~ **adjacent to the street**, shall be known as a **Corner Front Yard (4)**.

The space extending across the full width of the lot between the rear of the principal building and the adjacent street shall be known as a **Double Front Yard (5)**.

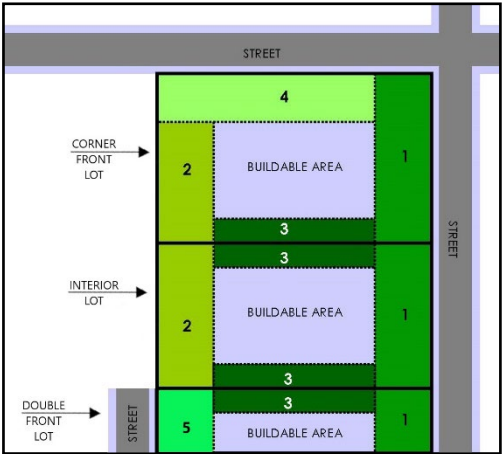


Table 6.1: Dimensional Requirements for Residential Zoning Districts

DIMENSIONAL REQUIREMENT	R	RA	RR	R-1	R-2	R-3	R-4	FA ₃	P ₁
RESIDENTIAL ACREAGE, LOT WIDTH, AND LOT DEPTH REQUIREMENTS									
Minimum lot size, Single-Family Detached (sq. ft.)	10,000	40,000	20,000	7,500	6,000	5,000	5,000	40,000	7,000
Minimum lot size, Duplex (sq. ft.)	N/A	N/A	N/A	N/A	8,400	7,000	N/A	N/A	10,000
Minimum lot size, Duplex Semi-Attached (sq. ft.)	N/A	N/A	N/A	N/A	4,200	3,500	N/A	N/A	7,000
Minimum lot size, Fee- Simple Townhomes (sq. ft.)	N/A	N/A	N/A	N/A	2,160	1,800	1,800	N/A	1,800
Minimum lot size, Multi-Family (sq. ft.)	N/A	N/A	N/A	N/A	6,000	5,000	N/A	N/A	N/A
Minimum lot width, Single-Family Detached (feet) <i>Section 6.1.5</i>	100	200	100	75	50	50	50	200	70
Minimum lot width, Duplex (feet)	N/A	N/A	N/A	N/A	70	70	N/A	N/A	100
Minimum lot width, Duplex Semi-Attached (feet)	N/A	N/A	N/A	N/A	35	35	N/A	N/A	50
Minimum lot width, Fee- Simple Townhomes (feet)	N/A	N/A	N/A	N/A	18	18	18	N/A	18
Minimum lot width, Multi-Family (feet)	N/A	N/A	N/A	N/A	50	50	N/A	N/A	N/A
Lot Depth , min feet	100	200	200	100	120	100	100	200	100
Building Height , max feet	40	40	40	40	40	40/65 ₂	40	40	40
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS (minimum feet)									
Front Yard	25	50	30	20	15	15	Build- to-Line	50	20
Rear Yard	25	50	30	20	20	20	15	50	15
Side Yard	10	20	15	10	7.5	5	5	20	10
Corner Front/Double Front – Local St	25	30	20	20	15	10	10	30	15
Corner Front/Double Front – Arterial St	25	50	30	20	20	15	15	50	25
1) Standards contained in Table 6.1 are applicable only to residential development in the Professional (P) district. Refer to Table 6.2 for dimensional requirements for commercial/mixed-use development in the P district. [ZA2020-09-21(A)] 2) Multifamily developments in R-3, proposed to be developed on (or adjacent to) Hwy 501 Bypass, between Lake Busbee and Carolina Forest Blvd, shall be limited to 65-ft above base-floor elevations, subject to applicable fire code(s). [ZA2023-03-20(F)] 3) Standards contained in Table 6.1 are applicable only to properties zoned FA that are proposed to be used for single-family residential purposes. [ZA2023-05-15(B)]									

ISSUE:

Amendment(s) to *Article 11 – Signage* and *Article 15 – Enforcement*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding signs placed on public property and/or within public rights-of-way, as well as violations of the UDO and penalties for such violations.

BACKGROUND:

In April of this year, Planning Commission recommended approval of a text amendment to Article 11 of the UDO regarding signs located on public property and/or within public rights-of-way. Following that recommendation, staff held discussions with the Police Dept. and Administration about the proper methods of enforcement and issuing citations for violations of the proposed amendment; particularly with regard to the fine for the “civil infraction” as being the penalty for the violation. The rights of Planning/Zoning/Code Enforcement Officials comes from the Comprehensive Planning Enabling Act, which gives such officials the authority to issue a uniform ordinance summons for violations of the UDO only. There is no language within the UDO that gives Planning/Zoning/Code Enforcement Officials the authority to issue a Uniform Traffic Ticket/Summons, and because there is nothing in the City’s general code that authorizes Planning/Zoning/Code Enforcement Officials to issue such citations, only law enforcement officers would be able to enforce the civil infraction penalty for the violation. Law enforcement officers have the unique authority to detain individuals and Planning/Zoning/Code Enforcement officers lack such authority. However, law enforcement officers are authorized to issue a uniform ordinance summons for violations of the UDO.

Staff reached out to the Municipal Association for guidance on the matter, and the attorney for MASC recommended that the penalty of a civil infraction be adopted within the UDO in the appropriate section, specifying that violations of the UDO are a “misdemeanor” offense, except as otherwise specified as a civil infraction. These recommended amendments have been included in the proposed amendment to Article 15 of the UDO. Rather than moving the previous amendment to Article 11 of the UDO forward to Council for first reading by itself, staff felt that it would be best to keep the amendments to Article 11 and Article 15 together for the sake of record-keeping and transparency. **The issue paper that was presented to PC in April for the proposed amendments to Article 11 relating to signs in rights-of-way and on public property is included in your packet as well.** All proposed amendments (Art. 11 and 15) are on the following pages. **Public Hearing notice requirements have also been satisfied.**

RECOMMENDATION:

Staff recommends that Planning Commission provide a thorough review of the proposed amendments and make an informed recommendation to City Council.

ARTICLE 11. SIGNAGE

Section 11.1 – General Provisions

11.1.3 Removal of Signs Erected on Public Property and/or Rights-of-Way

It shall be unlawful to erect, use or maintain a sign or sign structure on public property or public right-of-way without the approval of the City of Conway. ~~The City of Conway shall be authorized to remove such signs.~~

- A. Each sign or sign structure found to be in violation of this Section shall be considered a separate offense and punishable as a civil infraction with a fine of \$50 per violation.
- B. The City of Conway shall be authorized to remove and immediately discard such signs.
- C. The City of Conway reserves the right to exercise prosecutorial discretion when enforcing this Section and may choose to issue fines for only the most egregious violations.

Article 15. Enforcement

Section 15.1 – Enforcement

15.1.1 Violations

If the Planning Director **or other designated administrative officer** shall find that any of the provisions of the City of Conway Unified Development Ordinance are being violated, ~~he or she~~ **they** shall notify in writing the owner or tenant of the property, indicating the nature of the violation and order the action necessary to correct it. ~~He or she~~ **They** shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by the *UDO* to ~~insure~~ **ensure** compliance with, or to prevent violation of its provisions.

15.1.2 Complaints Regarding Violations

Whenever a violation of the *UDO* occurs, or is alleged to have occurred, any person may file verbal complaint. The complaint stating fully the causes and basis thereof, shall be filed with the Planning Director **or other designated administrative officer**. ~~The Planning Director~~ **They** shall record the complaint properly, investigate promptly, and take action thereon as provided by the *UDO*.

15.1.3 Remedies

- A.** It shall be unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit shall be issued or approved unless the requirements of the *UDO* are complied with. It shall be unlawful for other officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the Planning Director **or other designated administrative officer**. A violation of any section of the *UDO* shall constitute a misdemeanor, **except where specified throughout the *UDO* as being a civil infraction**. In case a building, structure, or land is or is proposed to be used in violation of any requirements set forth herein, the Planning Director or other appropriate administrative officer, or adjacent or neighboring property owner who would be directly damaged by the violation may in addition to other remedies, institute injunction, mandate, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be considered a separate offense.
- B.** In case a building, structure, or land is or is proposed to be used in violation of the *UDO* adopted pursuant to this chapter, the Planning Director or other designated administrative officer may in addition to other remedies issue and serve upon a person pursuing the activity or activities a stop order requiring that entity stop all activities in violation of the *UDO*.

15.1.4 Penalties for Violation

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any structure or land is used in violation of this chapter; or there is a violation of any condition or requirement in connection with variances under the terms of the *UDO*, that violation shall constitute a misdemeanor, **except where specified throughout the *UDO* as being a civil infraction**. Violation of the *UDO* or failure to comply with any requirements stated herein shall be a misdemeanor, **except where specified throughout the *UDO* as being a civil infraction**. Each day such violation continues after due notice to discontinue such violation shall be

considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and/or any architect, surveyor, builder, engineer, contractor, agent, or other person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City of Conway from taking such other lawful action as is necessary to prevent or remedy any violation.

- A. Civil Infractions. Where penalties of the UDO are specified as a civil infraction, such penalty for violation shall be fifty dollars (\$50).**

15.1.5 Legal Status Provisions

- A. Conflict with Other Laws:** Whenever the regulations of the *UDO* require a greater width or size of yards or require a greater percentage of lot to be left unoccupied or impose other more restrictive standards than are required in or under any other statute, the requirements of the *UDO* shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.
- B. Severability:** If any section or provision of the *UDO* should be declared invalid or unconstitutional by any court or competent jurisdiction, such declaration shall not affect the validity of the *UDO* as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.
- C. Repeal of Conflicting Ordinances:** All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give the *UDO* full force and effect.
- D. Effective Date:** The *UDO* shall take effect and be in force from and after the date of its adoption by the City Council of the City of Conway.

ISSUE:

Amendment(s) to *Article 11 – Signage*, of the City of Conway Unified Development Ordinance (UDO), regarding signs placed on public property and/or within public rights-of-way.

BACKGROUND:

City staff was asked to look into imposing a fine on signs that are illegally placed in rights-of-ways. A couple of years ago, the City amended the Unified Development Ordinance (UDO) (*Ord. ZA2021-08-16 (C)*) to remove/repeal the section pertaining to temporary signage; largely due to the 2015 US Supreme Court decision of *Reed v. the Town of Gilbert*, which had to do with temporary signs and the requirement of government agencies to be content neutral in their enforcement of temporary sign requirements.

Section 11.1.3 – Removal of Signs Erected on Public Property or Rights-of-Way, of the UDO, states “it shall be unlawful to erect, use or maintain a sign or sign structure on public property or public right-of-way without the approval of the City of Conway. The City of Conway shall be authorized to remove such signs.”

In lieu of having a separate “Temporary Sign” ordinance to address certain temporary signs, some types of signage that is erected on a recurrent basis, such as political signs, remains as its own section of the sign ordinance, with requirements for the number, size, height and location(s) of such signs. Additionally, *Section 11.4.9 (C), Location*, states that such signs shall not be located in any public rights-of-way nor any sight distance triangles.

There has been an uptick in signs being placed in rights-of-way throughout the city, and with the election season underway, the number of temporary signs that end up being placed in rights-of-way will continue to increase. Currently, there is a limited amount of staffing to pull signs from rights-of-ways, and many times, having to designate staff time to pull signs from rights-of-way requires taking staff and resources away from other job duties with set deadlines, such as plan / permit reviews, preparing for meetings or preparation of several other items in accordance with City Ordinance and/or State law, as there is no dedicated position for enforcement of signage. However, practice has been to bring all of the signs back to our department, separate them, contact the sign’s owner (if known), coordinate the signs being picked up by owners, taking the signs to the City shop for disposal and/or issuing citations for sign violations and attending court dates; a very time-consuming task. Due to the limited space that we have available for storage of temporary signs – sometimes as many as 1,000 or more at one time, this too has become a nuisance, and is not a good use of the limited resources that staff has available.

The City created a new position last year, which was recently filled, for a Zoning & Landscaping Inspector, whose primary job duties include investigating complaints or violations, and to assist with

Issue Paper for amendments to Article 11 regarding signs in public rights-of-way and on public property

remedying these complaints and violations, but this is only one of the duties of the inspector, and it will not solve the number of ongoing issues revolving around the illegal placement of signs in rights-of-way.

Currently, any citations that are issued – if taken to court, may result in person(s) being found guilty of a misdemeanor offense. Staff proposes to amend the ordinance to instead make these types of sign violations (signs illegally placed in rights-of-way) a civil infraction, with a fine of \$50 per sign, rather than a misdemeanor offense. Additionally, the amendment would permit staff to immediately dispose of the signs that are removed from rights-of-way rather than store them.

While there are concerns with the proposed amendments, should they be adopted, such as who the citation would be issued to, conflicts with *Article 15* of the UDO (Enforcement) – which requires that written notice be given to the property owner or property tenant, issues with signs knowingly or unknowingly being placed in rights-of-way by people other than the sign owner (and without their permission), imposing a fee on illegally placed signage is a reasonable use of enforcement of the UDO, and these same concerns would certainly exist with or without the ordinance being amended.

RECOMMENDATION:

Staff recommends that Planning Commission provide a thorough review on the proposed amendment(s) to *Article 11 (Signage)* and make an informed recommendation to City Council.

ARTICLE 11. SIGNAGE

Section 11.1 – General Provisions

11.1.3 Removal of Signs Erected on Public Property ~~and/or~~ Rights-of-Way

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- C. The City of Conway reserves the right to exercise prosecutorial discretion when enforcing this Section and may choose to issue fines for only the most egregious violations.